
JUSTICE

JU301

Criminal Procedure Act 2004

**Criminal Procedure Amendment
Regulations 2020****SL 2020/100**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Criminal Procedure Amendment Regulations 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Criminal Procedure Regulations 2005*.

4. Part 4 Division 1A inserted

After Part 4 Division 1 insert:

**Division 1A — Applications and notice for *Bail Act 1982*
s. 54 in courts of summary jurisdiction****13C. Forms for purposes of *Bail Act 1982* s. 54 in courts
of summary jurisdiction**

- (1) An application in a court of summary jurisdiction for a summons or warrant under the *Bail Act 1982* section 54(2)(b) must be made by lodging a Form 5A.
- (2) If a police officer arrests an accused without warrant under the *Bail Act 1982* section 54(2)(a) for the purposes of causing the accused to appear before an appropriate judicial officer in a court of summary jurisdiction under section 54(1) of that Act, the police officer must lodge a notice in the form of Form 5B.

- (3) An affidavit may be, but is not required to be, lodged in support of an application referred to in subregulation (1) or notice referred to in subregulation (2).
- (4) Despite regulation 14A, an application referred to in subregulation (1) is not required to be served.

5. Regulation 13AA deleted

Delete regulation 13AA.

6. Regulation 15 amended

In regulation 15:

- (a) delete “regulations 13AA(1),” and insert:

regulations 13C(1) and

- (b) in paragraph (c) delete “54;” and insert:

54(2)(b);

7. Schedule 1 Form 1 amended

In Schedule 1 Form 1 delete “Person required at application to vary or revoke bail (s. 54).” and insert:

Person required to show cause why bail should not be varied or revoked (s. 54).

8. Schedule 1 Form 5A replaced

Delete Schedule 1 Form 5A and insert:

5A. Application under *Bail Act 1982* s. 54(2)(b) (r. 13C(1))

Court number		Application for summons or warrant under the <i>Bail Act 1982</i> s. 54(2)(b)
Court location		
Date lodged		
		<i>Criminal Procedure Regulations 2005</i>
Case <i>(Names of all parties)</i>		
Applicant <i>(Name of the party applying)</i>	Name	
	Address	
	Telephone No.	

Application details	<p>The applicant applies:</p> <p><input type="checkbox"/> under the <i>Bail Act 1982</i> s. 54(2)(b) for a summons for the purpose of causing the accused mentioned above to appear before an appropriate judicial officer as provided in s. 54(1) of that Act.</p> <p><input type="checkbox"/> under the <i>Bail Act 1982</i> s. 54(2)(b) for a warrant for the purpose of causing the accused mentioned above to appear before an appropriate judicial officer as provided in s. 54(1) of that Act.</p> <p>The grounds for the application are:</p> <p><input type="checkbox"/> accused unlikely to appear in court in compliance with requirement of bail undertaking (<i>Bail Act 1982</i> s. 54(1)(a)(i))</p> <p><input type="checkbox"/> breach or likely breach of the following condition(s) of bail undertaking (<i>Bail Act 1982</i> s. 54(1)(a)(ii)):</p> <table border="0"> <tr> <td><input type="checkbox"/> not to be in the company of a particular person</td> <td><input type="checkbox"/> report to a Community Corrections Officer</td> </tr> <tr> <td><input type="checkbox"/> not to go within a specified distance of a specified place or person (not to approach or enter)</td> <td><input type="checkbox"/> obey direction of a Community Corrections Officer</td> </tr> <tr> <td><input type="checkbox"/> not to make contact with a particular person</td> <td><input type="checkbox"/> comply with curfew</td> </tr> <tr> <td><input type="checkbox"/> attend drug and alcohol testing</td> <td><input type="checkbox"/> report to Police</td> </tr> <tr> <td><input type="checkbox"/> attend drug and alcohol counselling</td> <td><input type="checkbox"/> reside at a particular address</td> </tr> <tr> <td><input type="checkbox"/> undertake a mental health assessment</td> <td><input type="checkbox"/> surrender passport</td> </tr> <tr> <td><input type="checkbox"/> undertake a physical health examination</td> <td><input type="checkbox"/> not to consume a specified / illicit / prohibited substance(s)</td> </tr> <tr> <td><input type="checkbox"/> attend / reside at a specialist treatment centre</td> <td><input type="checkbox"/> other:</td> </tr> <tr> <td><input type="checkbox"/> attend other counselling / programmes as specified</td> <td></td> </tr> </table> <p><input type="checkbox"/> breach of home detention condition (<i>Bail Act 1982</i> s. 54(1)(a)(iii))</p> <p><input type="checkbox"/> surety no longer suitable or dead (<i>Bail Act 1982</i> s. 54(1)(b)(i))</p> <p><input type="checkbox"/> other (specify):</p>			<input type="checkbox"/> not to be in the company of a particular person	<input type="checkbox"/> report to a Community Corrections Officer	<input type="checkbox"/> not to go within a specified distance of a specified place or person (not to approach or enter)	<input type="checkbox"/> obey direction of a Community Corrections Officer	<input type="checkbox"/> not to make contact with a particular person	<input type="checkbox"/> comply with curfew	<input type="checkbox"/> attend drug and alcohol testing	<input type="checkbox"/> report to Police	<input type="checkbox"/> attend drug and alcohol counselling	<input type="checkbox"/> reside at a particular address	<input type="checkbox"/> undertake a mental health assessment	<input type="checkbox"/> surrender passport	<input type="checkbox"/> undertake a physical health examination	<input type="checkbox"/> not to consume a specified / illicit / prohibited substance(s)	<input type="checkbox"/> attend / reside at a specialist treatment centre	<input type="checkbox"/> other:	<input type="checkbox"/> attend other counselling / programmes as specified	
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Description of grounds																					
Signature of applicant or lawyer	Applicant / applicant's lawyer		Date																		
HEARING DETAILS																					
This application will be heard on:																					
Date and time	Date		Time 9 am or as soon after as possible																		
Place																					

5B. Form to be lodged when accused arrested without warrant under *Bail Act 1982* s. 54(2)(a) (r. 13C(2))

Court number		Notice that accused arrested without warrant under <i>Bail Act 1982</i> s. 54(2)(a)
Court location		
Date lodged		
<i>Criminal Procedure Regulations 2005</i>		
Case (Names of all parties)		
Police officer lodging form	Name	
	Address	
	Telephone No.	
Details	<p>The accused mentioned above has been arrested without warrant under the <i>Bail Act 1982</i> s. 54(2)(a) for the purposes of causing the accused to appear before an appropriate judicial officer under section 54(1) of that Act to show cause why the accused's bail should not be varied or revoked.</p> <p>The grounds for causing the accused to appear are:</p> <p><input type="checkbox"/> accused unlikely to appear in court in compliance with requirement of bail undertaking (<i>Bail Act 1982</i> s. 54(1)(a)(i))</p>	

	<input type="checkbox"/> breach or likely breach of the following condition(s) of bail undertaking (<i>Bail Act 1982</i> s. 54(1)(a)(ii)): <table border="0" style="width: 100%;"> <tr> <td><input type="checkbox"/> not to be in the company of a particular person</td> <td><input type="checkbox"/> report to a Community Corrections Officer</td> </tr> <tr> <td><input type="checkbox"/> not to go within a specified distance of a specified place or person (not to approach or enter)</td> <td><input type="checkbox"/> obey direction of a Community Corrections Officer</td> </tr> <tr> <td><input type="checkbox"/> not to make contact with a particular person</td> <td><input type="checkbox"/> comply with curfew</td> </tr> <tr> <td><input type="checkbox"/> attend drug and alcohol testing</td> <td><input type="checkbox"/> report to Police</td> </tr> <tr> <td><input type="checkbox"/> attend drug and alcohol counselling</td> <td><input type="checkbox"/> reside at a particular address</td> </tr> <tr> <td><input type="checkbox"/> undertake a mental health assessment</td> <td><input type="checkbox"/> surrender passport</td> </tr> <tr> <td><input type="checkbox"/> undertake a physical health examination</td> <td><input type="checkbox"/> not to consume a specified / illicit / prohibited substance(s)</td> </tr> <tr> <td><input type="checkbox"/> attend / reside at a specialist treatment centre</td> <td><input type="checkbox"/> other:</td> </tr> <tr> <td><input type="checkbox"/> attend other counselling / programmes as specified</td> <td></td> </tr> </table> <input type="checkbox"/> breach of home detention condition (<i>Bail Act 1982</i> s. 54(1)(a)(iii)) <input type="checkbox"/> surety no longer suitable or dead (<i>Bail Act 1982</i> s. 54(1)(b)(i)) <input type="checkbox"/> other (specify):		<input type="checkbox"/> not to be in the company of a particular person	<input type="checkbox"/> report to a Community Corrections Officer	<input type="checkbox"/> not to go within a specified distance of a specified place or person (not to approach or enter)	<input type="checkbox"/> obey direction of a Community Corrections Officer	<input type="checkbox"/> not to make contact with a particular person	<input type="checkbox"/> comply with curfew	<input type="checkbox"/> attend drug and alcohol testing	<input type="checkbox"/> report to Police	<input type="checkbox"/> attend drug and alcohol counselling	<input type="checkbox"/> reside at a particular address	<input type="checkbox"/> undertake a mental health assessment	<input type="checkbox"/> surrender passport	<input type="checkbox"/> undertake a physical health examination	<input type="checkbox"/> not to consume a specified / illicit / prohibited substance(s)	<input type="checkbox"/> attend / reside at a specialist treatment centre	<input type="checkbox"/> other:	<input type="checkbox"/> attend other counselling / programmes as specified	
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Description of grounds																				
Signature of police officer lodging form or lawyer	Police officer lodging form / Lawyer	Date																		

M. INGLIS, Clerk of the Executive Council.