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Criminal Procedure Act 2004

## **Criminal Procedure Amendment Regulations 2018**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Criminal Procedure Amendment Regulations 2018*.

**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. Regulation 13AA inserted**

After regulation 13 insert:

**13AA. Applications under *Bail Act 1982* section 54**

- (1) A person wanting to make an application under the *Bail Act 1982* section 54(2)(b) must make the application by lodging a Form 5A.
- (2) The application may, but does not have to be, supported by an affidavit.

**5. Regulation 14 amended**

- (1) In regulation 14(1) delete “an application” and insert:

an application, other than an application under the *Bail Act 1982* section 54(2)(b),

- (2) Delete regulation 14(2) and insert:

(2) A person wanting to make the application must make the application by lodging a Form 6.

- (3) Delete regulation 14(4) and (5).

Note: The heading to amended regulation 14 is to read:

**Other applications under this Subdivision**

**6. Regulation 14A inserted**

After regulation 14 insert:

**14A. Procedure for applications under Subdivision**

- (1) An application under this Subdivision must be served on each party in accordance with the CPA Schedule 2 clause 2 or 3.
- (2) The application must be heard in court and not in chambers.

**7. Regulation 15 amended**

In regulation 15 delete “regulation” and insert:

regulations 13AA(1),

**8. Schedule 1 amended**

In Schedule 1 after Form 5 insert:

**5A. Application under *Bail Act 1982* s. 54 (r. 13AA)**

Court number	
Court location	
Date lodged	

**Application in relation to  
varying or revoking bail  
under the *Bail Act 1982*  
s. 54(2)(b)**

*Criminal Procedure  
Regulations 2005*

<b>Case</b> (Names of all parties)	
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<b>Applicant</b> (Name of the party applying)	Name			
	Address			
	Telephone No.			
<b>Application details</b>	The applicant applies under the <i>Bail Act 1982</i> s. 54 in relation to the abovementioned party(ies) due to a breach of the following condition(s):			
	<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 Correction 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"/> Attend a mental health check	<input type="checkbox"/> Surrender passport		
	<input type="checkbox"/> Attend a physical health check	<input type="checkbox"/> Not to consume a specified / illicit / prohibited substance(s)		
	<input type="checkbox"/> Attend a prescribed specialist treatment centre	<input type="checkbox"/> Other:		
	<b>Description of breach</b>			
<b>Signature of applicant or lawyer</b>	Applicant / applicant's lawyer		Date	
<b>HEARING DETAILS</b>				
<b>This application will be heard on:</b>				
<b>Date and time</b>	Date		Time	9 am or as soon after as possible
<b>Place</b>				
<b>Service details</b>	On _____ I served a copy of the application referred to above in the following manner:			
	Method of service:			
	Person served:			
	Name of server:			
	Signature:			

R. KENNEDY, Clerk of the Executive Council.

**The *Criminal Procedure Amendment Regulations 2018* were repealed by the *Criminal Procedure Amendment Regulations (No. 2) 2018* regulation 9 before they came into operation, see *Gazette* 26 June 2018 p. 2421-4.**