

## **PRACTICE DIRECTION NO. 3 OF 1998**

### **CRIMINAL JURISDICTION-LISTING OF APPLICATIONS FOR BAIL OR VARIATION OF BAIL**

1. The Court acknowledges that there are occasions when either new issues in relation to bail or changes in circumstances require a matter to be listed before a Magistrate prior to the next remand date. In order that the Court may be fully informed in relation to the issues and matters to be raised, in respect of all proposed applications for bail or variation of bail to be made before the next remand date, the applicant, or the applicant's legal representative, must notify the Office of the Director of Public Prosecutions (the DPP), that the application is to be made.

The DPP will then make arrangements with the Court's List Clerk for the matter to be listed. Listing should occur not less than 48 hours after notification to the DPP.

2. An unrepresented person who surrenders himself or herself to the Court as being in breach of bail or bail conditions will be directed to the List Clerk by an officer of the Court.

The List Clerk will then make arrangements with the Office of the DPP for the matter to be listed. Listing should occur not less than 48 hours after notification to the DPP.

3. In certain circumstances, the List Clerk may allow an application to be listed within a shorter period. Those circumstances may include:

- where the person surrenders himself or herself to the Court as being in breach of bail or bail conditions;
- where a Magistrate considers himself or herself to be part-heard or may be aware of the reasons for having imposed specific conditions;
- a change of residential placement that cannot occur without a variation of bail conditions; or
- where 48 hours notice is deemed excessive for the purpose for which listing is required.

In such circumstances, the List Clerk will liaise with the relevant Magistrate prior to listing the matter.

4. This Practice Direction is effective from 15 December 1998.

By direction of the Chief Magistrate and Magistrates

R J Cahill  
Chief Magistrate  
15 December 1998