



## **Magistrates' Court Victoria**

### **Practice Direction**

### **No. 2 of 2018**

#### **Applications to vary bail**

##### **Background**

It has long been the practice in the Magistrates' Court that wherever practicable applications to vary bail are listed before the magistrate who originally granted bail.

The purpose of this Practice Direction is to formalise the Court's current practice in relation to bail variations, and to standardise the procedure for applications for refusal and revocation of bail as contained in section 18 of the *Bail Act 1977*.

##### **Direction**

If it is reasonably practicable to do so, an application to vary the amount or conditions of bail is to be heard by the same magistrate who originally granted bail.

Applications to vary the amount or conditions of bail are to commence with the filing of the attached form.

This Practice Direction commences from 9 April 2018

A blue ink signature, appearing to read 'P. Lauritsen', followed by a horizontal line.

Peter Lauritsen  
Chief Magistrate

Date: 9 APRIL 2018

**APPLICATION BY ACCUSED FOR AN ORDER TO VARY \*☐ AMOUNT OF BAIL OR \*☐ CONDITION(S) OF BAIL**

In the Magistrates' Court of Victoria at: \_\_\_\_\_ Court reference: \_\_\_\_\_

Applicant: \_\_\_\_\_ of \_\_\_\_\_  
*Name of accused* *Address of accused*Respondent: \_\_\_\_\_  
*Name of informant and/or Director of Public Prosecutions*

Nature of charge: \_\_\_\_\_

**Details of bail**On \_\_\_\_\_ Magistrate \_\_\_\_\_ fixed bail at \_\_\_\_\_  
*date* *location*The applicant was admitted to bail on \_\_\_\_\_ upon signing an undertaking on the following conditions:  
*date*\*☐ (a) a deposit of \$ \_\_\_\_\_;\*☐ (b) a ☐ surety/☐ sureties\_\_\_\_\_ of \_\_\_\_\_ in the amount of \$ \_\_\_\_\_  
*Name of first surety* *Address of first surety*\_\_\_\_\_ of \_\_\_\_\_ in the amount of \$ \_\_\_\_\_  
*Name of second surety* *Address of second surety*\*☐ (c)

\_\_\_\_\_ any other conditions

**Notice**To ☐ the Registrar of the Magistrates' Court at \_\_\_\_\_  
☐ the respondent  
☐ the surety/sureties

The applicant will apply to the Magistrates' Court at \_\_\_\_\_ for an order -

\* ☐ varying the amount of bail fixed as follows: \_\_\_\_\_\* varying ☐ a condition / ☐ the conditions of bail as follows:  
\_\_\_\_\_This application is \* ☐ by consent / ☐ contestedDate: \_\_\_\_\_  
*Signature of applicant***Listing of application**

This application is listed for hearing before the Magistrate' Court at \_\_\_\_\_

at \_\_\_\_\_ on \_\_\_\_\_  
*time* *date*Date: \_\_\_\_\_ *Registrar of the Magistrates' Court***ACCUSED: IMPORTANT INFORMATION**

You must give the court, informant, and the prosecutor 3 days notice for the hearing of this application.

If the application is urgent, you should ask the prosecuting authority if they agree to the application being heard sooner.

If they do not agree, you may apply to the court for your application to be heard sooner. This is an application for 'an order dispensing with the notice requirement'.