

BAIL RULES 2021

EXPLANATORY MEMORANDUM

There are presently no Rules of Court regarding bail applications. The *Bail Rules 2021* aim to bring consistency to the practice and procedure of making, hearing and determining bail applications in the National Court, in accordance with the *Bail Act* and the *Bail Regulation*, and give effect to Section 42(6) of the *Constitution*, which provides:

A person arrested or detained for an offence (other than treason or wilful murder as defined by an Act of the Parliament) is entitled to bail at all times from arrest or detention to acquittal or conviction unless the interests of justice otherwise require.

These Rules will not apply to bail applications to the Supreme Court or the District Court, unless adopted in a particular case.

Features are:

- the originating process is a bail **application form**, which can be completed with or without legal assistance;
- obligations are imposed on the Registrar of the National Court and the Public Prosecutor to facilitate **expeditious bail hearings**;
- rules and forms are provided to deal with **various scenarios** in which bail issues arise, including bail after committal, accused persons subject to ex officio indictments, bail applications after conviction and before sentence, bail after lodging an appeal from the District Court and applications for variation or revocation of bail.

The *Bail Rules 2021* come into force on 1 November 2021.

JUSTICE CANNINGS
CHAIRMAN, RULES COMMITTEE
