

NORTHERN TERRITORY OF AUSTRALIA
SUPREME COURT AMENDMENT (BREACH OF BAIL) RULES 2012

Subordinate Legislation No. 39 of 2012

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 39 of 2012

Supreme Court Amendment (Breach of Bail) Rules 2012

We, the undersigned Judges of the Supreme Court of the Northern Territory of Australia, under section 86 of the *Supreme Court Act*, make the following Rules of Court.

Dated 23 July 2012

T. J. RILEY CJ

D. MILDREN J

S. R. SOUTHWOOD J

J. BLOKLAND J

J. KELLY J

P. BARR J

Judges of the Supreme Court
of the Northern Territory of Australia

1 Citation

These Rules may be cited as the *Supreme Court Amendment (Breach of Bail) Rules 2012*.

2 Rules amended

These Rules amend the *Supreme Court Rules*.

3 Order 81A, Part 3A inserted

After rule 81A.11

insert

Part 3A Commencement of other proceedings

81A.12 Proceeding for breach of bail

- (1) Subject to subrule (3), a proceeding against a person for a bail offence, other than a bail offence mentioned in section 39 of the *Bail Act*, must be commenced by filing a complaint in accordance with Form 81A-C issued by a Justice.
- (2) In addition:
 - (a) a summons in accordance with Form 81A-D issued by a Justice must be served on the person in accordance with rule 81A.10; and
 - (b) an affidavit of service of the summons in accordance with Form 81A-D must be filed before the hearing of the bail offence.
- (3) If a person is arrested and brought before the Court under section 38 of the *Bail Act*, a complaint in accordance with Form 81A-C issued by a Justice must be filed before the hearing of the bail offence is completed.
- (4) In this rule:

bail offence, see section 37B(1) of the *Bail Act*.

4 Schedule 1 amended

Schedule 1, after Form 81A-B

insert

IN THE SUPREME COURT
OF THE NORTHERN TERRITORY
OF AUSTRALIA
AT [Darwin or Alice Springs]
No.

BETWEEN

AB
Complainant

and

CD
Defendant

COMPLAINT

The Complaint of *[name of complainant]*, a police officer, is taken on *[date]*, before the undersigned, a justice of the peace, who, on oath, states that:

- (1) The defendant, *[name]* of *[address]*, was granted bail for the offence of *[offence]* on *[date bail was granted]* by *[name of person who granted bail]*.
- (2) The defendant undertook to appear before this honourable Court under that bail on *[date of appearance]*.
- (3) On *[date of conduct resulting in breach of bail]*, the defendant engaged in conduct that *[would result in a breach of his/her* bail undertaking/resulted in a breach of a condition of the grant of bail*]* contrary to section 37B(1) of the *Bail Act*.

Particulars of breach

[set out particulars]

Taken before me at *[place]* on *[date]*.

[signature of justice of the peace]
Justice of the peace

**Delete whichever is inapplicable*

SUMMONS TO A PERSON ON COMPLAINT

To *[name of defendant]* of *[address]*

You have been charged by *[name]*, a police officer, before the undersigned, a justice of the peace, that on *[date of breach of bail]* you committed a bail offence contrary to section 37B(1) of the *Bail Act*.

Particulars of bail offence

[set out particulars]

You are summoned to appear on *[date of hearing]* at *[time]* at *[address of court]* before a Judge of the Supreme Court of the Northern Territory to answer the charge, and to be further dealt with according to law.

If you do not appear as required by this summons the Court may issue a warrant for your arrest or proceed to hear the complaint in your absence.

Dated *[date]*, at *[place]*.

[signature of justice of the peace]
Justice of the peace

AFFIDAVIT OF SERVICE

I, *[name]*, of *[address]* make oath that on *[date]*, at *[time]*, at *[address]*, I served the defendant, *[name]*, with this summons by *[delivering a copy of the summons to the defendant personally/putting a copy of the summons down in the defendant's presence and telling him/her* the nature of the document/delivering a copy of the summons to the defendant's legal representative/a prison officer at [name of the prison].]**

[insert facts constituting service]

Dated *[date]*, at *[place]*.

[signature of deponent]

Witnessed by: *[signature of justice of the peace/commissioner for oaths]*

Name: *[name of witness]*

Address or phone number: *[address or phone number of witness]*

**Delete whichever is inapplicable*

5 Rules further amended

The Schedule has effect.

Schedule Rules further amended

rule 5

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
rule 63.50(3)	paragraph	subrule
rule 68.02(4)(d)	(1)(c) or (1)(d)	(c) or (d)
