

REVOKED BY PRACTICE DIRECTION No 4 of 2011



Magistrates' Court
Victoria

Practice Direction

No. 4 of 2005

(Amending Practice Direction No. 1 of 2002)

APPLICATION FOR VARIATION OF BAIL

The Chief Magistrate issues this Practice Direction pursuant to section 16A of the *Magistrates' Court Act* 1989.

Where a Court has granted bail and an accused person seeks variation of the bail order the following procedure shall apply:

1. An application for variation of bail, detailing the variation sought, shall be filed with the court and served upon the informant and the prosecuting agency a reasonable time prior to the listing of the application.
2. Where an accused person has been granted bail with a surety or sureties notice of the application must be given to the surety or sureties in accordance with section 18(7) of the *Bail Act* 1977.
3. Where the surety or sureties do not appear at the hearing of the variation application, the applicant will be required to produce either oral or affidavit evidence to satisfy the Court of compliance with section 18(7) of the *Bail Act*.
4. Where the Court grants the application for variation the applicant is required to sign or enter into the undertaking as varied, unless the court otherwise orders.

This Practice Direction takes effect immediately.

IAN L GRAY
Chief Magistrate
31 August 2005