



Information Fact Sheet 5

Form 6 - Bail Undertaking by an Accused Person

1. WHAT IS A BAIL UNDERTAKING?

Bail is a conditional release of an accused from legal custody.

An undertaking (legal promise) is made by an accused signing the bail form that he/she will appear in court at a certain time/ place.

A bail undertaking (Form 6) is a written record of an accused person's release to bail.

It is an important court document and its completion should be clear concise and accurate.

2. WHO IS AUTHORISED TO RELEASE AN ACCUSED PERSON ON BAIL?

- A Judicial Officer (including a JP) [section 29]
- A Registrar of a court (other than a Deputy Registrar)
- An authorised police officer
- An associate of a judge (Supreme/District/Children's)
- Where the accused is in a lock-up or prison, any person for the time being in charge of the lock-up or prison
- Where the accused is in court custody centre, any approved person for the time being in charge of the centre
- Where the accused is a child, any authorised community services officer.

Note: A JP who has reached the age of 75 years must not perform any functions under the *Bail Act 1982*

[section 5 -
*Justice of the
Peace Act 2004*]

3. FORM 1 – INFORMATION FOR ACCUSED

Prior to processing bail documents for an accused, the judicial/authorised officer shall ensure the accused is given:

[section 8]

- Form 1. This form contains a summary of the main provisions of the *Bail Act 1982* relating to an accused bail rights; and
- If an accused has difficulty in reading, writing or speaking English the information in the form may need to be read or translated for the accused.

4. COMPLETING THE FORM 6 BAIL UNDERTAKING

- If you are required to complete the Bail Undertaking manually, you should:
- Write clearly;
- Record the accused's current "residential" address (A C/- Post Office or Post Office Box address is **not allowed**);
- Note – If the address is different to a previous address on the record, this should be noted & drawn to the court officer's attention.
- Enter details of the charges or proceedings;
- The time and date of the appearance should nominate the full address of the court location; and
- Any bail conditions should be clearly entered.

5. THE FORM 6 - BAIL UNDERTAKING

The Form 6 is a prescribed form under the *Bail Regulations 1988* and is in three parts:

[Regulation 6]

- Original – the Court Copy;
- Duplicate – the Lockup/Prison Copy; and
- Triplicate – the Accused Copy (A Form 7 "Notice to Accused" is printed on the reverse of this copy. The form 7 contains information including but not limited to consequences of non-appearance.

[Section 28(2)]

Form 6

[reg. 6]

TRIPLICATE

Bail Act 1982

Section 28(2)

BAIL UNDERTAKING

Details of accused:

Surname: JONES Other names: Paul James

Date of birth: 9 / 9 1969

Address: 53 Black Road, JARRAHDALE

Telephone No. 08 9447 5858 Fax No. N/A Email address. pauljones@hotmail.com

Charge(s)/appeal/proceedings:

Possession of heroin, possession of smoking implement, steal M/V

Court Nos.

PE 3456-7/00, PE 2563/00

Time and place of appearance:

Perth Magistrates Court, 501 Hay Street, PERTH

(name and location of court)

on Monday the 4th day of February, 20 01 at 10 a.m.

Conditions to be observed during bail:

Personal undertaking \$5000 x \$5000 JP approved surety

To reside at 53 Black Road, JARRAHDALE

Curfew between 8pm and 7am. To report daily to Armadale Police Station.

UNDERTAKING

I, the abovenamed accused —

UNDERTAKE —

- (a) to appear at the time and place and to comply with the conditions set out above;
(b) that if I am notified by a judicial officer or court official of a different time, or a different time and place, for my appearance, I will appear at the time, or at the time and place, so notified;
(c) that if I fail to appear in court as required I will as soon as is practicable appear at the court when it is sitting;

(1) Strike out if not applicable (1) AGREE to forfeit \$ 5000 to the State if I am convicted of the offence of failing to appear as required.

Paul Jones ACCUSED

Accused must sign here

CERTIFICATE AS TO UNDERTAKING

(2) delete as appropriate The above undertaking was entered into by the accused before me after I had (2) been informed by him that he had read the undertaking/read the undertaking to him/had the undertaking translated to him.

Signature: Jeff Melwood Official Designation: Justice of the Peace - WA Reg no 29461

Date: 8 January 2001

I acknowledge that I have been given a copy of the above bail undertaking and the form Notice to Accused on the reverse of that copy.

ACCUSED

Accused must sign here

TO THE ACCUSED

THE NOTICE ON THE REVERSE OF THIS FORM SETS OUT YOUR OBLIGATIONS AND THE CONSEQUENCES OF YOUR FAILURE TO COMPLY WITH THEM. YOU SHOULD READ THE NOTICE OR REQUIRE THE PERSON WHO TAKES YOUR BAIL UNDERTAKING TO READ IT TO YOU OR HAVE IT TRANSLATED TO YOU.

Marginal notes are important. Where not applicable, the text should either be struck through or deleted.

JP must sign here

For more information on this Fact Sheet, please refer to the Justice of the Peace Handbook available on www.dotag.wa.gov.au

Alternatively, you may contact:

Justices of the Peace Branch
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PERTH WA 6841
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