



Practice Direction 3 /05

Applications for Variation of Bail

There have been many cases recently of applications for variation of bail to allow an accused person to travel overseas being made at the last minute. This causes unnecessary disruption of the work of the Supreme Court and may result in the variation not being completed in time for the desired date of departure.

The purpose of this Practice Direction is to regularise the procedure for such applications.

In future the Court will not consider any application for variation of bail to allow an accused person to travel overseas unless it is:

1. filed with the Court 5 clear working days before the intended date of departure;
2. clearly indicates the reason for the travel, the intended date of departure, the accused's address while overseas, and the date of return to Tonga;
3. accompanied by an affidavit as to the information in para 2;
4. clearly marked as URGENT;
5. served on the Crown Law Office on the same day as it is filed with the Court, and a certificate of service vouching that is filed with the Court the following day.

The application will then be heard in chambers at 9.00 am on the second working day after it is filed. For that hearing the accused and his or her sureties should attend (so that the sureties are aware that the accused is intending to travel overseas). Crown Law should also be represented.

If such an application is granted it is likely that it will be on condition that the bail money is increased or the accused makes a cash deposit with the Court as security.

NUKU'ALOFA: *22 July* 2005.

R M Webster MBE  
Chief Justice