

**COURT OF QUEEN'S BENCH OF ALBERTA
Q. B. CRIMINAL PRACTICE NOTE "2"**

JUDICIAL INTERIM RELEASE (BAIL)

APRIL, 1982 (UPDATED APRIL, 1998)

Difficulties have been encountered in the past with respect to the form of Bail Order.

A wide variety has been used by members of the Bar and even though the documents have been approved as to form by Agents of the Attorney General, Justices of the Peace have had problems in processing some of the orders.

In cooperation with senior officials of the Alberta Department of Justice and members of the Edmonton and Calgary Bar Associations, a uniform standard form of "Order of Release" has been worked out. It would be appropriate if it could be used throughout the Province.

This standard form is attached. It is to be observed that it is not a precedent in the normal sense of the word. Rather, it is a guide or a "Master Document" on the basis of which actual documents should be prepared. Only the appropriate paragraphs from the master document should be incorporated in the actual order as required.

Effective immediately this document should be used in preparation of Orders of Release in all cases where such orders are issued out of the Court of Queen's Bench.

It is intended that this form be used generally, recognizing that situations may arise where special provisions are required.

W.K. MOORE
Chief Justice

IN THE COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL DISTRICT OF _____

BETWEEN:

HER MAJESTY THE QUEEN,

RESPONDENT

-AND-

(ACCUSED'S NAME IN FULL AS IT

APPEARS ON INFORMATION OR

INDICTMENT)

APPLICANT

BEFORE THE HONOURABLE)	_____ DAY, THE _____ DAY
_____ JUSTICE _____)	OF _____, 19____.
IN CHAMBERS,)	
)	

ORDER OF RELEASE

UPON THE APPLICATION of the Applicant. AND UPON HEARING COUNSEL for the Applicant and Counsel for the Respondent;

(for offences NOT under s.457.7)

AND IT APPEARING THAT the Applicant was detained in custody by the Order of _____ HONOUR JUDGE _____, in the Provincial Court of Alberta, at _____, on the _____ day of _____, 19__ , on the _____ following charge(s). NAMELY:

(SET OUT, IN FULL, THE WORDING OF EACH CHARGE AS IT APPEARS IN THE INFORMATION OR INDICTMENT)

(for offences under s.457.7)

AND IT APPEARING THAT the Applicant was detained in custody on the following charge(s).

NAMELY:

(SET OUT, IN FULL, THE WORDING OF EACH CHARGE AS IT APPEARS IN THE INFORMATION OR INDICTMENT)

AND IT APPEARING THAT the Applicant is not required to be detained in custody in respect of any other matter;

IT IS ORDERED THAT the Application be allowed, the Order previously made by _____ HONOUR JUDGE _____ be vacated and the Applicant be released upon his (her):

(use the most appropriate one of the following 12 paragraphs)

1. GIVING AN UNDERTAKING, IN FORM 9, WITHOUT CONDITIONS.

2. GIVING AN UNDERTAKING, IN FORM 9, WITH THE FOLLOWING CONDITIONS, NAMELY:

("CONDITIONS " - see s.457 (4) (a) to (f) and notes following at the foot of this document)

(a) _____

(b) _____

(c) _____,

3. ENTERING INTO A RECOGNIZANCE, IN FORM 28, before a Justice, without sureties in the amount of \$ _____, but without deposit of money or valuable security.

4. ENTERING INTO A RECOGNIZANCE, IN FORM 28, before a Justice, without sureties in the amount of \$ _____, but without deposit of money or valuable security, with the following conditions, NAMELY:

("CONDITIONS " - see below)

(a) _____

(b) _____

(c) _____,

5. ENTERING INTO A RECOGNIZANCE, IN FORM 28, before a Justice, with surety (sureties) in the amount of \$ _____ but without the deposit of money or other valuable security,

("CONDITIONS " - see below)

6. ENTERING INTO A RECOGNIZANCE, IN FORM 28, before a Justice with _____ surety (sureties) in the amount of \$ _____ but without deposit of

money or other valuable security, with the following conditions, NAMELY:

(a) _____

(b) _____

(c) _____,

7. The prosecutor having consented, ENTERING INTO A RECOGNIZANCE, IN FORM 28, before a Justice, without sureties, in the amount of \$ _____ upon him (her) depositing with the Justice the said sum of money or other valuable security therefor.

8. The prosecutor having consented, ENTERING INTO A RECOGNIZANCE, IN FORM 28, before a Justice, without sureties, in the amount of \$ _____ upon him (her) depositing with the Justice the said sum of money or other valuable security therefor, with the following conditions, NAMELY:

(a) _____

(b) _____

(c) _____,

("CONDITIONS " - see below)

9. Being not ordinarily resident in the Province of Alberta or not ordinarily residing within one hundred miles of the place in which he (she) is in custody, ENTERING INTO A RECOGNIZANCE, IN FORM 28, before a Justice, without sureties, in the amount of \$ _____ upon him (her) depositing with the Justice the said sum of money or other valuable security therefor.

10. Being not ordinarily resident in the Province of Alberta or not ordinarily residing within one hundred miles of the place in which he (she) is in custody, ENTERING INTO A RECOGNIZANCE, IN FORM 28, before a Justice, with _____ surety (sureties), in the amount of \$ _____ upon him (her) depositing with the Justice

the said sum of money or valuable security therefor.

11. Being not ordinarily resident in the Province of Alberta or not ordinarily residing within one hundred miles of the place in which he (she) is in custody, ENTERING INTO A RECOGNIZANCE, IN FORM 28, before a Justice, without sureties, in the amount of \$ _____ upon him (her) depositing with the Justice such sum of money or other valuable security therefor, with the following conditions, NAMELY:

("CONDITIONS " - see below)

(a) _____

(b) _____

(c) _____,

12. Being not ordinarily resident in the Province of Alberta or not ordinarily residing within one hundred miles of the place in which he (she) is in custody, ENTERING INTO A RECOGNIZANCE, IN FORM 28, before a Justice, with _____ surety (sureties), in the amount of \$ _____ upon him (her) depositing with the Justice such sum of money or other valuable security therefor, with the following conditions, NAMELY:

("CONDITIONS " - see below)

(a) _____

(b) _____

(c) _____,

AND IT IS FURTHER ORDERED THAT:

1. Such (Undertaking may be given by the Applicant to) (or) (Recognizance may be entered into by the Applicant before) any Judge of the Provincial Court of Alberta or any Justice of the Peace in and for the Province of Alberta;

2. Any Judge of the Provincial Court of Alberta or any Justice of the Peace in and for the Province of Alberta may order that the Applicant be brought before him for the

purpose of (giving such Undertaking) (or) (entering into such Recognizance) and being released from custody, and this order shall be sufficient authority to any person having the custody of the Applicant in the Province of Alberta to have the Applicant brought before such Judge or Justice of the Peace;

3. If the Applicant is brought before such Judge or Justice of the Peace and (gives such Undertaking) (or) (enters into such Recognizance) as aforesaid, the person having custody of the Applicant shall release him (her) forthwith.

JUSTICE OF THE COURT OF QUEEN'S
BENCH OF ALBERTA

APPROVED AS TO FORM AND CONTENT

AGENT OF THE ATTORNEY GENERAL

ENTERED THIS _____

DAY OF _____,
19 ____.

CLERK OF THE COURT OF QUEEN'S BENCH OF
ALBERTA

NOTE ON "CONDITIONS"

Where the Court imposes conditions in the undertaking or recognizance, such conditions, pursuant to s.457.5(7)(e) or s.457.6(8)(e), should be those described in s.457(4)(a) to (f).

1. In respect to the condition described in s.457(4)(a), "report at times to be stated in the Order to a peace officer or other person designated in the Order;" IN CALGARY, such condition should read as follows:

"(a) Report in person once each week (state time and date of first occasion on which Applicant is required to report) to _____ or designate, CALGARY CORRECTIONAL SERVICES, 7th Floor, 205 - 9th Ave., South East, Calgary, Alberta; and thereafter report in person weekly on such day and at such time as may be determined by the said (name or designate)."

IN EDMONTON, such condition should read as follows:

"(a) Report in person once each week (state time and date of first occasion on which Applicant is required to report) to _____ or designate, CORRECTION SERVICES DIVISION, 5th Floor 10015- 103 Avenue, Edmonton, Alberta; and thereafter report in person weekly on such day and at such time as may be determined by the said (name or designate)."

IN AREAS OUTSIDE CALGARY AND EDMONTON where there are no Municipal Police - i.e. Outside Lethbridge, Medicine Hat, Camrose, Barrhead, etc., such condition should read as follows:

"(a) Report in person once each week (state time and date of first occasion on which the Applicant is required to report) to NCO/in Charge (Inspector, where applicable) RCMP Detachment at _____ ; and thereafter report in person weekly on such day and at such time as may be determined by the said (NCO/in Charge (or) Inspector, where applicable)."

IN AREAS outside Calgary and Edmonton where there are Municipal Police, such condition should read as follows:

"(a) Report in person once each week (state time and date of first occasion on which Applicant is required to report) to (NAME OF APPROPRIATE POLICE OFFICER) or Designate, (ADDRESS OF POLICE STATION); and thereafter report in person weekly on such day and at such time as may be determined by the said (Police Officer)."

2. In respect to the condition described in s.457(4)(b), such condition should read as follows:

"(b) Remain within (DESCRIBE TERRITORIAL JURISDICTION- e.g. City, Town, Province)".

3. In respect to the condition described in s.457(4)(c), such condition should read as follows:

"(c) Notify (PERSON DESIGNATED PURSUANT TO CONDITION DESCRIBED IN s.457(4)(a)) of any change in his (her) address or employment or occupation."

4. In respect to the condition described in s.457(4)(d), such condition should read as follows:

"(d) Abstain from communicating with (NAME OF WITNESS, COMPLAINANT OR ANY OTHER PERSON OR PERSONS) except in accordance with the following conditions:

(a) _____

(b) _____

(c) _____."

5. In respect to the condition described in s.457(4)(e), such condition should read as follows:

"(e) Deposit his (her) passport with A JUDGE OF THE PROVINCIAL COURT OF ALBERTA OR JUSTICE OF THE PEACE (to whom his (her) undertaking will be given) (or) (before whom such recognizance will be entered into)."

6. In respect to the conditions described in s.457(4)(f), such conditions will, of necessity, be drafted for the particular situation contemplated.