

IN THE SUPREME COURT OF TONGA

PRACTICE DIRECTION No.1 of 2007 (Criminal Division)

BAIL APPLICATIONS

- [1] In recent times a number of bail applications have been referred to the Supreme Court without the appropriate supporting documentation.
- [2] Where the Magistrate's Court withholds bail, the magistrate is required, pursuant to section 7(1) of the Bail Act 1990, to make a written record of such decision and the reasons for it. A copy of the record is to be given to the defendant as soon as practicable after it has been made, but no longer than 24 hours after it is made.
- [3] Under section 7(2) of the Bail Act, where a magistrate withholds bail from a person, the magistrate's court is required to inform him that he may apply to the Supreme Court to be granted bail.
- [4] In future, applications made to the Supreme Court for bail must have annexed a copy of the record provided pursuant to section 7(1).
- [5] In addition, a copy of the application and any supporting documentation must, upon filing, be served upon Crown Law and at the hearing of the application (which will normally be held in Chambers) Crown counsel will be expected to advise the judge of the prosecution's response to the application together with reasons.



A D FORD
Chief Justice
20 April 2007