

EASTERN CARIBBEAN SUPREME COURT

CIVIL PROCEDURE RULES

PRACTICE DIRECTION 58

No. 4 of 2020

**BAIL APPLICATIONS FOR INDIGENT OR UNREPRESENTED
PERSONS**

This Practice Direction is made pursuant to Rule 4.2(2) of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000 and is applicable to all the Member States and Territories in the jurisdiction of the Eastern Caribbean Supreme Court.

1. Introduction

This Practice Direction supplements Rule 58 of the Civil Procedure Rules and provides a form for indigent persons and unrepresented persons to make application for bail.

2. Bail Application Form

2.1 A person who is in custody who is indigent or is not represented by a legal practitioner may make an application for bail using the form in the schedule to this Practice Direction.

2.2 An applicant must complete all the sections of the form. If for any reason there is information that is unknown this should be indicated on that section of the form by indicating "*unknown*".

2.3 An applicant must ensure that the application is signed. For the purposes of this form this can be done by the applicant either writing out their name in full or where an applicant is unable to

do so, by making and X. The form must be signed or marked in the presence of a witness in the person of either a Commissioner for Oaths, a Justice of the Peace, Senior Prison Officer or a Police Officer .

- 2.4 Once the application form has been signed by the applicant in the presence of either a Commissioner for Oaths, a Justice of the Peace, Senior Prison Officer or a Police Officer, that officer must then affix their signature on the relevant part of the form.
- 2.5 Once signed and completed the application form must be given to the relevant prison authorities who must then make the necessary arrangements for the application to be sent to the court office for filing and processing.
- 2.6 Where fees may be applicable to a bail application, the requirement for the payment shall be exempted for an indigent person.
- 2.7 Copies of this Bail Application Form must be made available at all prisons and Correctional Facilities for the use of persons in custody to which this Practice Direction applies.

3. Effective Date

This Practice Direction shall come into effect on the 27th day of April, 2020.

Dated the 17th day of April, 2020.

SGD.

**Dame Janice M. Pereira, DBE
Chief Justice**

SCHEDULE

BAIL APPLICATION FORM:

**IN THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE**

CLAIM NO:

**BAIL APPLICATION FORM
For Indigent and Unrepresented Persons**

Length of time in custody so far: _____

Date when you were placed on remand: _____

Surname: _____ Given Names: _____

Alias: _____ Date of Birth: _____

Age: _____ Male Female

Name of Parent/Guardian (if under 18) and phone number:

Home address: _____

Nationality: _____ Immigration Status (if non-national): _____

Identification Number (Driver's License, National ID, or Passport): _____

Whereabouts of Passport (include name of person who can get it and their phone number):

Occupation – type of work: _____

Name of employer and place of work (if any): _____

Work phone: _____

Offence(s) for which bail is sought (attach charge sheet if available):

Date(s) of offence(s): _____

Date(s) when charge(s) laid: _____

Police station and name of arresting officer(s): _____

Name(s) of co-accused (if any): _____

List of Crimes for which you have been charged at this time: _____

Have you applied for Bail before and been denied?: Yes No

If yes Judge or Magistrate who refused Bail:

Date(s) bail refused: _____

Reasons given for the refusal of bail:

REASONS FOR THIS APPLICATION. Explain:

(a) Why the court should grant you bail.

(b) If this is not your first application for bail, what further information or legal argument, if any, has become available since the last bail decision was made.

Date of next Court appearance and where:

List all matters for which you were on bail at the time of your arrest:

State whether you have complied with previous bail conditions and if not why not:

Previous Convictions:

Name of possible surety(s): _____

Address of surety(s): _____

Phone number of surety(s): _____

Community ties of surety(s): _____

The statements in this form of four pages are true to the best of my knowledge and belief and I sign the from knowing that if it is tendered in evidence I shall be liable to prosecution if I have willfully stated anything I know to be false or do not believe to be true.

Applicant's signature or mark if signature not possible:

Date: _____

Before Commissioner for Oaths or Justice of the Peace, Senior Prison/Police Officer (sign and print name and stamp/seal where applicable):
