



THE SUPREME COURT OF THE NORTHWEST TERRITORIES

**PRACTICE DIRECTION**

**ACKNOWLEDGMENT BY SURETY**

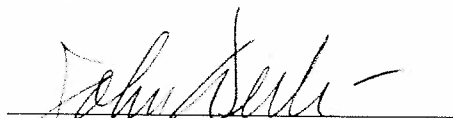
Part 4 of the *Criminal Procedure Rules of the Supreme Court* sets out certain requirements with respect to applications for judicial interim release and bail reviews. In particular, Rule 32(2)(b) stipulates that, on an application for release by an accused, the application should be accompanied by, where practicable to do so, an affidavit of each person proposed to serve as a surety disclosing that person's willingness to serve and the amount for which that person is to be liable.


In many, if not most cases, such an affidavit is not provided and the court must rely on counsel's representations or the accused's evidence only. And there is usually little if any information provided as to the surety's understanding of the obligations and potential liabilities in being a surety.


Therefore, the judges of the Supreme Court hereby direct that in all applications for judicial interim release, including any request for release at a 30 or 90 day bail review, if a surety is proposed, the intended surety must sign the "Acknowledgment by Surety" form appended hereto as Form "A". The signed form can be presented at the hearing or it can be signed by the surety at the time the release document is signed. The original of the signed form shall be kept on the court file.


If counsel present an affidavit from the proposed surety at the hearing, the form can be annexed to the affidavit as an exhibit.

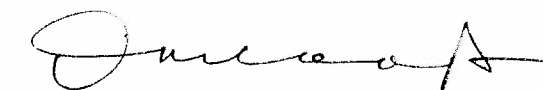
Issued this 17<sup>th</sup> day of February 2010, by direction of the judges of the Supreme Court of the Northwest Territories.

  
Justice J.Z. Vertes,  
Senior Judge

  
Justice J.E. Richard

  
Justice V.A. Schuler

  
Justice L.A. Charbonneau

  
Justice D.M. Cooper

**FORM "A"**

**ACKNOWLEDGMENT BY SURETY**

Name: \_\_\_\_\_ (name of surety)

I understand that \_\_\_\_\_ (the accused) has been charged with the following criminal offence(s):

(list of charges) \_\_\_\_\_

\_\_\_\_\_

I am asking to be (the accused's) surety. I understand that this means I am responsible for his/her behaviour once he/she is released from jail, until the charges are concluded. I understand that I do not have to be a surety. It is my free choice to make this promise and take on these obligations.

**RESPONSIBILITIES OF A SURETY**

I understand that by becoming a surety, I am guaranteeing to the Court that \_\_\_\_\_ (the accused) will:

- A. Come to court as required;
- B. Obey all of the conditions of his/her bail; and
- C. Not commit any criminal offences while on bail.

**OBLIGATIONS OF A SURETY and CONSEQUENCES OF BREACH**

I understand that I am promising to pay the **full amount** of the bail \$ \_\_\_\_\_, if \_\_\_\_\_ (the accused) does not attend court as required or if he/she does not comply strictly with the terms of bail or if he/she commits an offence while on bail.

I understand that it is my responsibility to prevent any of these things from happening but that if they do happen, I may be ordered to forfeit the total amount of the bail, being \$ \_\_\_\_\_, or a part of it.

**IF I WANT TO STOP BEING A SURETY**

I understand that I may ask to be removed as a surety at any time by either either (a) writing to the court, or (b) contacting my local police detachment.

Dated at \_\_\_\_\_, in the Northwest Territories, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Name of Surety)