



THE SUPREME COURT OF THE NORTHWEST TERRITORIES
LA COUR SUPRÊME DES TERRITOIRES DU NORD-OUEST

PRACTICE DIRECTION

SURETY DECLARATION


As a result of the amendments to the *Criminal Code* coming into force on December 18, 2019 implementing section 515.1 and Form 12 “Surety Declaration”, the Practice Direction regarding “Acknowledgement by Surety” (February 17, 2010) is repealed effective immediately.

Part 4 of the *Criminal Procedures 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 liable.


The judges of the Supreme Court had previously directed that in all applications for judicial interim release, if a surety was proposed, the intended surety sign the “Acknowledgement of Surety” form which was to be kept on the court file. As a result of the enactment of section 515.1 of the *Criminal Code* and the Form 12 Surety Declaration, the judges of the Supreme Court hereby direct that in all applications for judicial interim release, including any request for release at a 90 day bail review, if a surety is proposed, the intended surety must sign the Form 12 Surety Declaration. The signed declaration 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 declaration shall be kept on the court file.

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

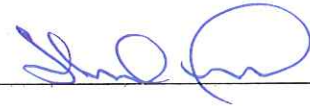
Issued this 10th day of September 2020 by direction of the judges of the Supreme Court of the Northwest Territories.




Justice L.A. Charbonneau



Justice K.M. Shaner



Justice S.H. Smallwood



Justice A.M. Mahar



CANADA
Northwest Territories

SUPREME COURT OF THE NORTHWEST TERRITORIES

COURT FILE NO.

SURETY DECLARATION

All section numbers in this document refer to the *Criminal Code* unless otherwise indicated.

1. Identification

Surname	Given Names	Date of Birth
Home Address		Phone
Employment/Occupation	Name and contact of employer	

2. Information about the Accused

Surname	Given Names	Date of Birth
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3. Other Information Required

Relationship to the accused	I am acting as a surety in respect of another accused <input type="checkbox"/> Yes <input type="checkbox"/> No		
	If yes, name and date of birth of any other accused:		
	Surname	Given Names	Date of Birth
I have a criminal record or there are outstanding criminal charges against me. <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, description of criminal record, if any, and all outstanding criminal charges, specifying offence and year of conviction:			

4. Charges against the Accused

I understand that the accused has been charged with (set out briefly the offence in respect of which the accused was charged):

5. Other Outstanding Charges against the Accused

I understand that the accused does not have any other outstanding criminal charges

I understand that the accused has also been charged with (set out briefly the offence in respect of which the accused was charged):

But this declaration does not apply to those charges

6. Criminal Record of the Accused

I understand that the accused does not have a criminal record

I understand that the accused has a criminal record, which is described below or a copy of which I have attached and initialed

7. Financial Promise or Deposit

As a surety for the accused, I am willing to promise deposit to the Court the amount of \$ _____

8. Acknowledgement

- I understand that failure on the part of the accused to follow any of the conditions in their release order or recognizance could lead to the forfeiture of the amount of money that has been promised or deposited.
- I understand that I may, at any time, ask to no longer be a surety by making an application, by bringing the accused to the court in order to be discharged from my obligation (s. 767) or by taking and giving the accused into custody (s. 768).
- I voluntarily make this declaration and it is my free choice to take on the responsibilities of a surety.

9. Signatures

I swear/declare/affirm that the information is, to the best of my knowledge, true and accurate.

(Signature of Surety) Signed on the ____ day of _____, 20__ at _____

Sworn/declared/affirmed before me on the ____ day of _____, 20__ at _____

(Signature of the person who is authorized to take or receive statements made under oath, solemn declaration or solemn affirmation) _____
Print Name