



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective date: *09 January 2023*

CRIM 05

PRACTICE DIRECTION

HEARING OF BAIL APPLICATIONS

ALERT: This version of CRIM 05 only applies to the Fraser Region until October 16, 2023. For all other Regions, please see [CRIM 05 Hearing of Bail Applications \(eff. Sep 18, except Fraser Region on Oct 16\)](#).

Purpose

To clarify the location of bail hearings during court sitting hours and outside of court sitting hours.

Application

This practice direction applies to all court locations in the Province. For bail hearings for all adult and youth criminal files in the Northern, Interior, and Island Regions, see also [CRIM 14 Northern, Interior, and Island Bail Pilot Project](#).

Directions

1. Bail applications occurring within court sitting hours are assigned to be heard by judges where the bail hearing may reasonably be heard within court hours.
2. Bail applications occurring within court sitting hours where no information has been sworn in Provincial Court and no judge is reasonably available to hear the application within court sitting hours may be referred to the Justice Centre through a Judicial Case Manager and will be subject to the Justice Centre being able to schedule the application.
3. Bail applications occurring outside of court sitting hours shall be referred to the Justice Centre. Bail applications after 11:00 p.m. cannot ordinarily be accommodated.

4. In cases heard by the Justice Centre the accused will be present before the Judicial Justice by videoconference or audioconference, if the technological means is satisfactory to the Judicial Justice.
5. Initial contact with the Justice Centre for bail applications, outside of court sitting hours, can be made by telephone at (604) 660-3263.

History of Practice Direction

- Original practice direction dated February 09, 2009 replacing the practice direction titled *Hearing of Bail Applications by the Justice Centre* dated March 04, 2005.
- Amended practice direction dated February 23, 2015 (changes to wording and formatting only).
- Amended practice direction dated September 18, 2019 (consequential amendment to para. 4 further to Bill C-75 amendments regarding audioconference and videoconference).
- Amended practice direction dated November 26, 2019 (amendment to para. 2 clarifying current process regarding access to the Justice Centre).
- January 8, 2020: Housekeeping update to remove “duration” section as contained information duplicated in “History of Practice Direction” section.
- April 19, 2021: amended “Application” section - consequential reference to CRIM 14 Northern Bail Pilot Project for bail hearings for all adult and youth criminal files in the Northern Region.
- July 18, 2022: amended “Application” section consequential to CRIM 14 Northern and Interior Bail Pilot Project and housekeeping update to para. 1.
- January 9, 2023: amended “Application” section consequential to Revised CRIM 14 Practice Direction: Northern, Interior, and Island Bail Pilot Project.

I make this practice direction pursuant to my authority under the *Provincial Court Act*, R.S.B.C. 1996, c. 379, and Rule 3 of the *Criminal Caseflow Management Rules*.

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia