CPA FORM 7

CRIMINAL PROCEDURE ACT 2009

FORM 7

(Sections 76 and 83)

SUMMONS TO SHOW CAUSE

FIJI

In the Magistrates Court at_____.

Whereas on the____ day of_____ 20___, you _____ were charged with the offence hereunder set out—

And whereas your personal attendance was dispensed with under section 83 of the Criminal Procedure Act 2009.

And whereas you were on the day aforesaid convicted of the said offence and ordered to pay a fine of_____ within the period of _____ days from the date thereof.

And whereas the said fine has not been paid within the period prescribed.

Now therefore you the said_____ are hereby commanded to appear before the Magistrates Court at_____ on the_____ day_____ of 20___, at___ o'clock in the forenoon to show cause why you should not be committed to prison for such term as may then be prescribed.

Statement of Offence

Dated at_____ this____ day_____ of 20____.

_____

Magistrate

CPA FORM 8

CRIMINAL PROCEDURE ACT 2009
FORM 8
(Section 57)
WARRANT TO APPREHEND DEFENDANT IN THE FIRST INSTANCE

FIJI

In the Magistrates Court at_____
To all Police Officers in Fiji.
These are to command you to arrest and bring before me at the Magistrates Court at the _____Court House *(a)*_____ of *(b)*_____ to be dealt with according to law on the following charge(s) made on the sworn complaint of *(a)*_____ of *(b)*_____

Statement of Offence (c)

Particulars of Offence (d)

Dated this_____ day_____ of 20___.

_____
Magistrate

- (a)Name, and father's name.
- (b)Full address and occupation.
- (c)Brief statement of offence, with Act and section contravened.
- (d)Brief particulars of offence in ordinary language.

CPA FORM 9

CRIMINAL PROCEDURE ACT 2009

FORM 9

(Section 71)

FIJI POLICE NOTICE TO ATTEND COURT

To_____ of_____

You are hereby required to attend the Magistrates Court at_____

On_____ at_____

to answer the charge set out hereunder, provided that your personal attendance will be excused and the case then be disposed of in your absence if—

- (a)you admit the offence and plead guilty in writing; or
- (b)you appear by barrister and solicitor.

STATEMENT OF OFFENCE (with Act and section)—

PARTICULARS OF OFFENCE—

_____

(Signed) Rank Police Station Date

(On reverse side — Note, Written Plea of Guilty and Affidavit of Service)

Note—

- (1) If you desire to enter a written plea of guilty you may do so hereon by inserting your name, the date and your signature in the space provided below. The form should then be sent to the clerk of the Magistrates Court named overleaf. It must be received by him or her not less than 24 hours before the return date, failing which the Magistrates Court may proceed to hear the charge in your absence.
- (2) You are warned that—
  - (a)if your personal attendance has been excused any fine which may be imposed upon you must be paid within 8 days from the return date on this form;
  - (b)unless you enclose a stamped addressed envelope with the form you will not receive notification from the Magistrates Court of any fine which may have been imposed and it will be your duty to make inquiry in that respect either in person or by telephone from the Magistrates Court. If you fail to pay any such fine within the time allowed by the Magistrates Court or to apply to the Magistrates Court for an extension of time for payment of such fine you will be liable without further warning to be committed to prison forthwith for such term as the Magistrate may have lawfully ordered.

WRITTEN PLEA OF GUILTY

I, _____ being the person named overleaf hereby enter a plea of guilty to the charge specified.
(Signed) Date:

_____

CRIMINAL PROCEDURE ACT 2009 AFFIDAVIT OF SERVICE

I, _____ make oath
and say that I did on the___ day of_____ 20___,
serve a true copy of this Notice to Attend Court on_____ at_____
Sworn by me at_____ this_____ day_____ of 20___.

_____
Magistrate, Justice of the Peace or Commissioner for Oaths.

CPA FORM 10

CRIMINAL PROCEDURE ACT 2009
FORM 10
(Section 85)
WARRANT TO APPREHEND DEFENDANT WHERE SUMMONS IS DISOBEYED

FIJI

In the Magistrates Court at_____
To all Police Officers in Fiji.
WHEREAS on the___ day of_____ 20___, on the complaint of *(a)*_____ of *(b)* _____hereinafter called the defendant was summoned to appear before the Magistrates Court at the court house, _____, on the____ day _____of 20___, at__ o'clock in the_____ noon to answer the following charge(s)—

Statement of Offence (c)

And whereas an oath has been made that the defendant was duly served with the summons but did not appear.
These are to command you to arrest the defendant and bring him or her before me at the Magistrates Court at_____ to answer the said charge(s) and be dealt with according to law.
Dated this____ day of_____ 20__.

_____
Magistrate

- (a)Name and father's name.
- (b)Full address and occupation.
- (c)Brief statement of offence with Act and section contravened.

CPA FORM 13

CRIMINAL PROCEDURE ACT 2009

FORM 13

(Section 112)

WARRANT FOR A WITNESS IN THE FIRST INSTANCE

FIJI

In the Magistrates Court at_____

To all Police Officers in Fiji.

_____ of_____ having deposed to me that of_____ is in possession of material evidence (or, is a material witness) in respect of a charge against_____ and is not likely to give evidence unless compelled to do so. These are to command you to arrest and bring the said_____ before me at the Magistrates Court at the Court House, _____, at___ o'clock in the_____ noon on the____ day_____ of_____ to give evidence in such behalf.

Dated this ____ day_____ of 20___.

_____

Magistrate

CPA FORM 14

CRIMINAL PROCEDURE ACT 2009
FORM 14
(Section 111)
WARRANT WHERE A WITNESS HAS NOT OBEYED A SUMMONS

FIJI

In the Magistrates Court at_____

To all Police Officers in Fiji.

_____ of_____ not having appeared in obedience to a summons requiring his/her attendance on the _____ day_____ of_____ at the Magistrates Court at the Court House, _____, to give evidence on behalf of_____ of _____ on a charge against of_____

These are to command you to arrest and bring before me at__ o'clock in the_____ noon on the____ day of _____the said to be dealt with according to law.

Dated this____ day _____of 20____

_____

Magistrate

CPA FORM 15

CRIMINAL PROCEDURE ACT 2009

FORM 15

(Section 118)

COMMITMENT OF A WITNESS FOR REFUSING TO BE SWORN OR TO GIVE EVIDENCE

FIJI

In the Magistrates Court at_____

To all Police Officers in Fiji and to the Officer in Charge of the_____ prison._____ of_____ having refused this day at a Magistrates Court held at the court house,_____, without just excuse to be examined on oath (*or* solemn affirmation) as a witness at the hearing of a charge against_____ of_____ (*or* being duly sworn (or affirmed) this day at the Magistrates Court held at the court house_____ as a witness on the information of against having refused without just excuse to answer certain questions concerning the premises)—

Whereupon the hearing of the said charge was adjourned to the____ day_____ of 20___, and the said_____ was ordered to be committed to prison until such date unless he or she sooner consents to do what is required of him or her.

These are therefore to command you the said Police Officers to convey the said_____ to the_____ prison and there to deliver him or her to the Officer in Charge thereof who is hereby directed to imprison him or her until such date unless he or she sooner consents to do what is required of him or her and then to bring him or her before this Court at such adjourned hearing as aforesaid.

Dated this_____ Day _____ of 20____.

_____

Magistrate

CPA FORM 16

CRIMINAL PROCEDURE ACT 2009
FORM 16
(Section 170)
WARRANT TO REMAND DEFENDANT WHEN ARRESTED

FIJI

In the Magistrates Court at_____
To all Police Officers in Fiji and to the Officer in Charge of the _____ prison. _____ of_____ having been brought before me under arrest to answer the following charge(s)—

Statement of Offence

These are to command you the said Police Officers to convey and deliver the said_____ to the Officer in Charge of the_____ prison who is hereby directed safely to keep him or her until the____ day_____ of 20__, and then have him or her before the Magistrates Court at the court house, _____ , at___ o'clock in the_____ noon.

Dated this____ day_____ of 20____.

_____
Magistrate

CPA FORM 17

CRIMINAL PROCEDURE ACT 2009

FORM 17

(Section 170)

WARRANT OF COMMITMENT FOR SAFE CUSTODY ON ADJOURNMENT OF HEARING

FIJI

In the Magistrates Court at_____

To all Police Officers in Fiji and to the officer in charge of the_____ prison.

Whereas the hearing of a charge against_____ has been adjourned to the_____ day of_____ at__ o'clock in the_____ noon at the Magistrates Court at the court house, _____.

These are to command you the_____ said Police Officers that be conveyed to the_____ prison and there delivered to the Officer in Charge thereof who is hereby directed safely to keep him or her until the said_____ day of_____ and then have him or her before me at the said time and place.

Dated this_____ day_____ of 20___.

_____

Magistrate.

CPA FORM 18

CRIMINAL PROCEDURE ACT 2009

FORM 18

(Section 171)

WARRANT TO ARREST ACCUSED WHO HAS NOT APPEARED AFTER ADJOURNMENT

FIJI

In the Magistrates Court at_____

To all Police Officers in Fiji.

Whereas on the_____ day of_____ 20___, of hereinafter called the accused, appeared before the Magistrates Court at the court house, _____, to answer a charge(s) made on the complaint of _____ of_____ that he or she the said accused did commit the following offence(s)—

Statement of Offence

And the hearing of the said charge(s) was adjourned to the____ day _____of 20___, at__ o'clock in the_____ noon at the Magistrates Court at the court house, _____, at which time and place the accused failed to appear.

These are to command you the said Police Officers to arrest the accused and have him or her before me forthwith at the Magistrates Court at the court house, _____.

Dated this____ day_____ of 20____.

_____

Magistrate

CPA FORM 19

CRIMINAL PROCEDURE ACT 2009
FORM 19
(Section 185)
CONVICTION WHEN THE PUNISHMENT IS IMPRISONMENT

FIJI

In the Magistrates Court at_____
Be it remembered that on_____ day_____ of 20_____, _____of_____ is convicted before me of the following offence—

Statement of Offence

Particulars of Offence

and I adjudge him/her for his/her said offence to be imprisoned in the prison at_____ for the space of_____.

Dated this_____ day_____ of 20____ .

_____
Magistrate

CPA FORM 22

SENTENCING AND PENALTIES ACT 2009
FORM 22
(Sections 37, 39 and 42)
WARRANT OF COMMITMENT ON A CONVICTION AND IN DEFAULT OF PAYMENT
(IMPRISONMENT)

FIJI

In the Magistrates Court at
Case No
Warrant No
To all Police Officers in Fiji and to the officer in charge of the_____ prison.
Whereas_____
Late of_____ (hereinafter called the said defendant) was on the ____day of_____ 20____, duly convicted before me of the following offence—

Statement of Offence

and it was thereby adjudged that the said defendant should for such his/her offence pay a fine of and costs (and for compensation) or in default of payment be imprisoned in the prison for the space of;
And whereas the said defendant hath made default.
These are therefore to command you the said police officers to take the said_____ defendant and convey him/her to the prison and deliver him/her to the officer in charge thereof who is hereby directed to imprison him/her the said defendant for the space of unless he/she shall sooner pay the following sums of money—

Fine	$
Costs	$
Compensation	$
Warrant issuing fee	$
Total:	$

Dated this_____ day_____ of 20___.

_____

Magistrate

CPA FORM 23

SENTENCING AND PENALTIES ACT 2009

FORM 23

(Section 39)

WARRANT OF DISTRESS UPON A CONVICTION FOR A FINE

FIJI

In the Magistrates Court at

To all Police Officers in Fiji.

Whereas_____ late of _____ was on the day of duly convicted before me of the following offence—

Statement of Offence

Particulars of Offence

and it was thereby adjudged that the said should for such his/her offence pay a fine of and should also pay to the sum of for costs (and compensation). And whereas the said being so convicted as aforesaid and being required to pay the said sums of and hath not paid the same but therein hath made default. These are therefore to command you in name forthwith to make distress of the goods and chattels of the said and if within the space of days next after the making of such distress the said sums together with the reasonable charges of taking and keeping the distress shall not be paid that you do sell the said goods and chattels so by you distrained and do pay the money arising by such sale unto the Clerk of the Magistrates Court at that he/she may pay and apply the same as by law directed and may render the overplus if any on demand to the said and if no such distress can be found then that you certify the same unto me to the end that such further proceedings may be had therein as to the law doth appertain.

Dated this____ day of_____ 20_____.

_____

Magistrate

Amount adjudged—

Fine ..... $_____

Costs ..... $_____

Compensation ..... $_____

Less paid ..... $_____

Warrant issuing fee ..... $_____

Amount to be levied ..... $_____

And, in addition, the charges of taking and keeping the distress ..... $_____

N.B. — If this warrant is executed outside the local limits of the jurisdiction of the court issuing the same it must be endorsed by a resident or second class Magistrate within the local limits of whose jurisdiction such property is found.

RETURN

CPA FORM 24

SENTENCING AND PENALTIES ACT 2009
FORM 24
(Section 42)
WARRANT OF COMMITMENT IN DEFAULT OF OR IN LIEU OF DISTRESS UPON A CONVICTION FOR A FINE

FIJI

In the Magistrates Court at
Case No
Warrant No
To all Police Officers in Fiji and to the officer in charge of the_____ prison.
Whereas_____ late of_____ (hereinafter called the said defendant), was on the _____ day of_____ 20_____, duly convicted before me on the following offence—

Statement of Offence

and it was thereby adjudged that the said defendant should for such his/her offence pay a fine of_____ and_____ for costs (and for compensation *(a)* * (or in default of payment be imprisoned in the_____ prison for the space of_____); * *(b)* AND whereas on the____ day of_____ 20___, a distress warrant was issued for levying the said sum(s) but no sufficient distress whereon to levy the same could be found; **(b)* and whereas it appears that **(b)* (distress and sale of the defendant's property would be ruinous to him/her or his/her family) **(b)* (the defendant has no property whereon distress may be levied).
These are therefore to command you the said police officers to take the said defendant and convey him/her to the prison and deliver him/her to the officer in charge thereof who is hereby directed to imprison him/her for the space of unless he/she shall sooner pay the following sums of money—

Fine	$
Costs	$
Compensation	$
Expenses of Distress	$
Warrant issuing fee	$
	_____
Total:	$
	_____

Dated this____ day of_____ 20_____.

Magistrate

**(a)* Delete if not applicable. **(b)* Delete whichever is inapplicable.

CPA FORM 25

CRIMINAL PROCEDURE ACT 2009
FORM 25
(Section 185)
ORDER OF DISMISSAL OF A CHARGE

FIJI

In the Magistrates Court at_____
Be it remembered that on the_____ day_____ of 20____, on the complaint of_____ of_____, of was charged before me with the following offence(s)—

Statement of Offence

Particulars of Offence

and now both the said parties appear before me in order that I should hear and determine the said charge(s) (or, the said appears before me but the said although duly called does not appear) whereupon the matter of the said charge(s) being by me duly considered it manifestly appears to me that the said charge(s) is/are not proved and I do therefore dismiss the same (and do adjudge that the said do pay to the said the sum of for his/her costs incurred by him/her for his/her defence in this behalf and if the said sum for costs be not paid I adjudge the said to be imprisoned in the prison unless the said sum for costs and charges of the said distress shall be sooner paid).

Dated this___ day of_____ 20___.

_____
Magistrate

CRIMINAL PROCEDURE ACT 2009

FORM 28

(Sections 30 and 87)

RECOGNISANCE FOR KEEPING THE PEACE

FIJI

In the Magistrates Court at

We the undersigned severally acknowledge ourselves to owe to the State the several sums following namely_____ of_____, as Principal the sum of_____ and_____ of and of_____ in Fiji as surety the sum of each, _____ payment thereof to be enforced severally against us by due process of law if the said principal fail in the condition endorsed hereon.

..... Principal

..... Surety

..... Surety

Taken before me this___ day of_____ 20___.

_____

Magistrate.

CONDITION

The condition of the above recognisance is such that if the above bounden principal_____ shall keep the peace and be of good behaviour towards the State and its people and especially towards_____ for a term of_____ now next ensuing then the said recognisance shall be void but otherwise shall remain in full force.

CPA FORM 29

CRIMINAL PROCEDURE ACT 2009
FORM 29
(Section 87)
RECOGNISANCE TO APPEAR AND RECEIVE SENTENCE

FIJI

In the Magistrates Court at
We the undersigned severally acknowledge ourselves to owe the State the several sums following namely_____ of_____ as principal the sum of $_____ and_____ of_____ and of_____ as sureties the sum of $_____ each, payment thereof to be enforced severally against us by due process of law if the said principal fail in the condition hereon endorsed.

.....*Principal*
.....*Surety*
.....*Surety*

Taken before me this____ day of_____ 20___.

_____
Magistrate.

CONDITION

The condition of the above recognisance is such that if_____ the above bounden principal who was on the____ day of _____ 20____ , convicted by the Magistrates Court at of the offence of contrary to section of the Crimes Act 2009 shall appear before the Magistrates Court at_____ to receive sentence when called upon at any time during the period of_____ now next ensuing and in the meantime keep the peace and be of good behaviour then the said recognisance shall be void but otherwise shall remain in full force.

CPA FORM 33

CRIMINAL PROCEDURE ACT 2009
FORM 33
(Section 223)
WARRANT OF COMMITMENT FOR TRIAL

FIJI

In the Magistrates Court at

To all Police Officers in Fiji and to the Officer in charge of_____ Prison
Whereas_____ of_____ was this day charged before me with the following offence—

Statement of Offence

Particulars of Offence

and was duly committed for trial to the High Court of Fiji.
These are therefore to command you the said Police Officers to take the said_____ and safely convey him/her to the_____ prison aforesaid and there deliver him/her to the officer in charge thereof. And I do hereby command you the said officer in charge of the said prison to receive the said in to your custody in the said prison and there safely keep him/her until he/she shall be thence delivered in due course of law.

Dated this_____ day of_____ 20_____.

_____
Magistrate.

Bail Act 2002

[BAI F 1B] FORM 1B BAIL UNDERTAKING (COURT BAIL) (Section 21)

In the_____ Court

This Bail form sets out your obligations to the court as an accused person. They are intended to ensure that you appear in [this] [the specified court] court on the specified date.
You _____ [name of accused person] are hereby granted bail. The court in granting you bail requires your attendance at [this] the _____ court on _____ [date] at _____ [time] in relation to the offence of_____ [offence].

ADDRESS:
The address you have given as your place of residence
is_____
[accused person's address and telephone number, (if any)]

CONDITIONS:
The conditions on which bail is granted are—

- (a)You must attend [this] [the]_____ court on_____ and there surrender into the custody of the bail officer.
- (b)[If required, see section 29.] * You must continue to appear at any time and place at which proceedings in respect of the offence are continued, whether upon adjournment, committal or otherwise.
- (c)You must reside at the above address until your case is finally disposed of. (If you wish to reside elsewhere, you must notify the bail officer at least 24 hours beforehand).
- (d)You must not at any time approach or interfere with witnesses connected with the case against you.
- (e)[Others eg surrender of passport.]*

SECURITY/SURETY:
[Here state—

- (a) whether any security and if so what security is required of the person accused;
- (b) Whether any sureties are required, and if so who they are, and whether they are required to provide security and if so what security.]

ACKNOWLEDGEMENT:

I have been made aware of the nature and conditions of my bail, and I understand the obligations which they impose.

I agree to observe these conditions and acknowledge that I will face penalties for any breach of them.

[If security required]*

I further acknowledge that I will [forfeit to the Republic of Fiji the sum of $ _____ now deposited] OR [owe to the Republic of Fiji the sum of $_____] if I fail to comply with condition (a) or (b)* above.

Signed

_____ Accused

_____ Surety (if any)

_____ Court officer

Date _____

Receipt for passport etc (if appropriate)

Receipt for cash deposit (if appropriate)

* Delete if not required

Bail Act 2002

[BAI F 2] FORM 2 BAIL SURETY FORM (Section 22)

(to be signed by each surety)

In the_____ Court

Name of case _____

I, _____ (name) of _____ (residence)

Agree to be a surety for the performance by _____.

(accused person) of the following conditions set out in a Bail Undertaking dated _____

CONDITIONS:

- (a)That_____ (accused person) will attend at [this] [the]_____ court on_____ (date), at_____ (time) and there surrender into the custody of the bail officer. [If in the bail undertaking]*.
- (b)That the said_____ (accused person) will continue to appear at any time and place at which proceedings in respect of the offence are continued, whether upon adjournment, committal or otherwise.

ACKNOWLEDGEMENT:

I, _____ (surety) state that I have been made aware of the obligations of a bail surety and accept those obligations.

I further acknowledge that I will [forfeit to the Republic of Fiji the sum of $ _____ now deposited OR [owe to the Republic of Fiji the sum of $_____] if _____ (accused person) fails to surrender into the custody of the bail officer of this [the_____] court on_____ (date) at____ (time) [or fails to appear at any time and place at which proceedings in respect of the offence are continued].*

Signed: _____ Accused person

_____ Surety

_____ Court officer

Date _____

Receipt for cash deposit (if appropriate)

* Delete if required

Kerevaka na Kalou ka doka na Tui

CPA FORM 62

CRIMINAL PROCEDURE ACT 2009

FORM 62

MEDICAL CERTIFICATE FOR ACCUSED OR WITNESS OF UNFITNESS TO ATTEND COURT

To: The Presiding Judge: High Court at .....

The Resident Magistrate: at ..... Magistrates Court

Full Name of Patient	
Father's Name	
Date of Birth	
Address	

I certify that:

- 1.The above patient was examined by me on at a.m./p.m. at *(insert place of examination)*.....
- 2.He/She has authorised me to give this certificate concerning his/her fitness to attend court, and to answer questions in court concerning it, and my diagnosis.
- 3.I have diagnosed him/her to be suffering from ill-health.
- 4.As a result of illness, he/she is: *(Circle as appropriate)*

fit/unfit	(i)	to travel to court
fit/unfit	(ii)	to participate in and to follow court proceedings
fit/unfit	(iii)	to give evidence and be cross-examined
fit/unfit	(iv)	to instruct a legal practitioner
fit/unfit	(v)	will not be fit as indicated above for..... days.

- 5.I understand I may be required by the court to testify on oath and to answer questions concerning this certificate, and my diagnosis.

Signed: ..... Date: .....

Name of Certifying Medical Practitioner	
Address for correspondence	
Telephone Number	

Kerevaka na Kalou ka doka na Tui