

# UNDERTAKING

(Section 498, 499 C. C.)

## 1. Identification:

Surname: \_\_\_\_\_ Given name(s): \_\_\_\_\_ Date of birth: \_\_\_\_\_

2. Contact Information: \_\_\_\_\_

3. Charges(s): (set out briefly the offence in respect of which the accused was charged).

Brief Description of Offence(s)	Section	Date	Place

## 4. Mandatory Condition

You must attend Court as indicated below, and afterwards as required by the Court:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Court Number: \_\_\_\_\_ Court address: \_\_\_\_\_

## 5. Additional Conditions

You must also comply with any conditions that are indicated below by a check mark. (Check only those that are reasonable in the circumstances of the offence and necessary, to ensure the accused's attendance in Court or the safety and security of any victim of or witness to the offence, or to prevent the continuation or repetition of the offence or the commission of another offence):

- (a) You must report to (name or title) \_\_\_\_\_, at \_\_\_\_\_ (place), on (date or dates) \_\_\_\_\_.
- (b) You must remain within the following territorial jurisdiction: \_\_\_\_\_
- (c) You must notify (name, title and phone number) \_\_\_\_\_ of any change of your (address, employment or occupation) \_\_\_\_\_
- (d) You must not communicate, directly or indirectly, with \_\_\_\_\_ except in accordance with the following conditions: \_\_\_\_\_
- (e) You must not go to (places which are related to the person(s) mentioned in the condition set out in paragraph (d)), except in accordance with the following conditions: \_\_\_\_\_
- (f) You must not enter the areas (describe in detail the boundaries of the areas related to the person(s) mentioned in the condition set out in paragraph (d)), except in accordance with the following conditions: \_\_\_\_\_
- (g) You must deposit all your passports with (name or title) \_\_\_\_\_ at \_\_\_\_\_ (place) before \_\_\_\_\_ (date)
- (h) You must reside at \_\_\_\_\_ (place), be at that residence between \_\_\_\_\_ (hour) and \_\_\_\_\_ (hour) and present yourself at the entrance of that residence when a peace officer or (name and title of another person) \_\_\_\_\_ requests you to do so within those hours.
- (i) You must not possess a firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition, or explosive substance and you must surrender those that are in your possession and also any authorization, license or registration certificate or other document enabling you to acquire or possess them to (name or title) \_\_\_\_\_ at \_\_\_\_\_ (place).

- (j) You promise to pay the amount of \_\_\_\_\_ (not more than \$500) if you fail to comply with a condition of this Undertaking.
- (k) You must deposit money or other valuable security whose value is equal to the amount of \_\_\_\_\_ (not more than \$500) with (name or title) \_\_\_\_\_, because you are not ordinarily resident in the province or do not reside within 200 km of the place in which you are in custody.
- (l) You must comply with the following conditions (conditions for ensuring the safety and security of any victim of or witness to the alleged offence): \_\_\_\_\_

**6. Appearance for the purposes of the *Identification of Criminals Act***

You are required to appear on \_\_\_\_\_ (date) at \_\_\_\_\_ (hour) at \_\_\_\_\_ (place) for the purposes of the *Identification of Criminals Act*.

**7. Variation and Replacement**

The conditions of this undertaking may be varied with the written consent of the prosecutor and yourself. In addition, you or the prosecutor may apply to a justice of the peace to replace this undertaking with a release order under section 515 of the *Criminal Code*.

**8. Conditions in effect**

The mandatory condition and the conditions indicated by a check mark on this undertaking remain in effect until they are cancelled or changed or until you have been discharged, sentenced or otherwise detained by the court (sections 763 and 764 of the *Criminal Code*).

**9. Consequence for non-compliance**

You are warned that, unless you have a lawful excuse, you commit an offence under section 145 of the *Criminal Code* if you fail to follow any of the conditions set out in this undertaking, including

- (a) to fail to attend court as required;
- (b) to fail to appear as required for the purposes of the *Identification of Criminals Act*;
- (c) to fail to remain in the territorial jurisdiction specified in section 5 of this undertaking (if applicable).

If you commit an offence under section 145 of the *Criminal Code*, a warrant for your arrest may be issued (sections 512 or 512.2 of the *Criminal Code*) and you may be liable to a fine or to imprisonment, or to both.

It is not a lawful excuse to an offence under subsection 145(4) of the *Criminal Code* that this undertaking does not accurately describe the offence that you are alleged to have committed (subsection 145(6) of the *Criminal Code*).

If you do not comply with this undertaking or are charged with committing an indictable offence after you have been released, this undertaking may be cancelled and, as a result, you may be detained in custody (subsection 524(4) of the *Criminal Code*).

If you do not comply with this undertaking, the funds or valuable security promised or deposited by you or your surety could be forfeited (subsection 771(2) of the *Criminal Code*).

**10. Signatures**

ACCUSED:

I understand the contents of this undertaking and agree to comply with the mandatory condition and the conditions that are indicated by a check mark.

I understand that I do not have to accept the conditions and that, if I do not accept the conditions, I will be brought to a justice for a bail hearing.

Signed on \_\_\_\_\_ (date), at \_\_\_\_\_ (place), Nova Scotia.

\_\_\_\_\_  
(Signature of accused)

PEACE OFFICER:

Signed on \_\_\_\_\_ (date) at \_\_\_\_\_ (place), Nova Scotia.

\_\_\_\_\_  
(Signature of peace officer)

Name of the peace officer: \_\_\_\_\_