

CASE NO.

VOL. NO.

Her Majesty the Queen

v.

Charlotte Lilly Hardiman

Justice Felix A. Cacchione Halifax, Nova Scotia

CR 178640

LIBRARY HEADINGS

[Cite as : R. v. Hardiman 2002 NSSC 208]

**HEARD: Before the Honourable Justice Felix A. Cacchione at Halifax, Nova Scotia
August 9th, 2002**

WRITTEN RELEASE

OF DECISION: September 6th, 2002

**SUBJECT: Variation of bail conditions when accused is
charged with an offence listed in s.469 C.C.C.**

**SUMMARY: Accused charged with being accessory after the fact to murder. Accused
released on conditions with Crown consent. Accused applied to vary
conditions pursuant to s.522 and 523 C.C.C. Crown not consenting to
variation.**

**ISSUE: Whether court has jurisdiction to vary conditions where
Crown not consenting. Whether Court has inherent
jurisdiction to vary bail condition.**

**RESULT: Court without jurisdiction to vary under s.523 unless Crown consents.
No inherent jurisdiction. Criminal Code provides a complete procedure
for variation of bail conditions where accused charged with an offence
listed in s.469.**

**THIS INFORMATION SHEET DOES NOT FORM PART OF
THE COURT'S DECISION. QUOTES MUST BE FROM THE
DECISION, NOT FROM THIS COVER SHEET.**