

*BAIL*

THE BAIL ACT  
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SCHEDULE.

## THE BAIL ACT

Acts  
19 of 2000,  
20 of 2010.

[29th December, 2000.]

1. This Act may be cited as the Bail Act.

Short title.

2.—(1) In this Act, unless the context otherwise requires—

Interpreta-  
tion.

“bail centre” means any facility declared by the Minister pursuant to section 20 to be a bail centre for the purposes of this Act;

“bail in criminal proceedings” means bail which may be granted—

(a) in or in connection with proceedings for an offence, to a person charged with or convicted of the offence;

(b) in connection with an offence, to a person who is under arrest for the offence or for whose arrest a warrant (endorsed for bail) has been issued;

“child” means a person under the age of fourteen years;

“conviction” includes—

(a) a finding of guilt;

(b) a finding that a person is not guilty by reason of insanity;

(c) a conviction of an offence for which an order is made placing the defendant on probation or discharging him absolutely or conditionally,

and “convicted” shall be construed accordingly;

“Court” includes a Judge or a Resident Magistrate;

“defendant” means a person charged with or convicted of an offence;

“Judge” means a Judge of the Supreme Court or the Court of Appeal;

“offence” includes an alleged offence;

“police officer” means an arresting officer or an officer or sub-officer in charge of a police station or lock-up;

“surrender to custody” means, in relation to a person released on bail, surrendering himself into the custody of a court or the police at the time and place appointed for him to do so;

“vary” in relation to bail, means imposing further conditions after bail is granted or varying or revoking conditions imposed in relation to the grant of bail;

“young person” means a person who has attained the age of fourteen years and is under the age of seventeen years.

(2) References in sections 3 (3) and 4 (1) and (4) to “imprisonment” does not include a committal in default of payment of any sum of money, or for want of sufficient distress to satisfy any sum of money, or for failure to do or abstain from doing anything required to be done or left undone.

Entitlement  
to bail.

3.—(1) Subject to the provisions of this Act, every person who is charged with an offence shall be entitled to be granted bail by a Court, a Justice of the Peace or a police officer, as the case may require.

(2) A person who is charged with an offence shall not be held in custody for longer than twenty-four hours without the question of bail being considered.

(3) Subject to section 4 (4), bail shall be granted to a defendant who is charged with an offence which is not punishable with imprisonment.

(4) A person charged with murder, treason or treason felony may be granted bail only by a Resident Magistrate or a Judge.

(4A) Bail shall be granted to a defendant in relation to an offence specified in the Second Schedule, only if the defendant satisfies the Court that bail should be granted.

20/2010  
S. 2.  
Second  
Schedule.

## BAIL

(5) Nothing in this Act shall preclude an application for bail on each occasion that a defendant appears before a Court in relation to the relevant offence.

4.—(1) Where the offence or one of the offences in relation to which the defendant is charged or convicted is punishable with imprisonment, bail may be denied to that defendant in the following circumstances—

Circumstances in which bail may be denied.

- (a) the Court, a Justice of the Peace or police officer is satisfied that there are substantial grounds for believing that the defendant, if released on bail would—
  - (i) fail to surrender to custody;
  - (ii) commit an offence while on bail; or
  - (iii) interfere with witnesses or otherwise obstruct the course of justice, whether in relation to himself or any other person;
- (b) the defendant is in custody in pursuance of the sentence of a Court or any authority acting under the Defence Act;
- (c) the Court is satisfied that it has not been practicable to obtain sufficient information for the purpose of taking the decisions required by this section for want of time since the institution of the proceedings against the defendant;
- (d) the defendant, having been released on bail in or in connection with the proceedings for the offence, is arrested in pursuance of section 14 (absconding by person released on bail);
- (e) the defendant is charged with an offence alleged to have been committed while he was released on bail;

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- (f) the defendant's case is adjourned for inquiries or a report and it appears to the Court that it would be impracticable to complete the inquiries or make the report without keeping the defendant in custody.

(2) In deciding whether or not any of the circumstances specified in subsection (1) (a) exists in relation to any defendant, the Court, a Justice of the Peace or police officer shall take into account—

- (a) the nature and seriousness of the offence;
- (b) the defendant's character, antecedents, association and community ties;
- (c) the defendant's record with regard to the fulfilment of his obligations under previous grants of bail;
- (d) except in the case of a defendant whose case is adjourned for inquiries or a report, the strength of the evidence of his having committed the offence or having failed to surrender to custody;
- (e) whether the defendant is a repeat offender, that is to say, a person who has been convicted on three previous occasions for offences which are punishable with imprisonment; or
- (f) any other factor which appears to be relevant including the defendant's health profile.

(3) Bail may be denied to a defendant who is charged with or convicted of an offence punishable with imprisonment if the Court, a Justice of the Peace or police officer is satisfied that the defendant should be kept in custody for his own protection or, where he is a child or young person, for his own welfare.