



Tonga

BAIL ACT

Chapter 3.01

2020 Revised Edition



BAIL ACT

Arrangement of Sections

Section

1	Short title.....	5
2	Definition.....	5
3	Entitlement to bail.....	6
4	Bail may not be granted.....	6
4A	Bail after conviction.....	7
4B	Bail whilst awaiting appeal.....	7
5	Requirements when bail is granted.....	8
6	Conditions of bail may be imposed or varied.....	8
7	Record of decision.....	9
8	Offence absconding by person released on bail.....	9
9	Liability to arrest for absconding or breaking conditions of bail.....	9
10	Sureties.....	10
11	Forms.....	11

SCHEDULE

12

RECOGNIZANCE OF BAIL GRANTED BY COURT

12

RECOGNIZANCE OF BAIL GRANTED BY POLICE OFFICER

13

ENDNOTES

14



BAIL ACT

AN ACT TO REGULATE THE GRANTING OF BAIL¹

Commencement [13th November, 1990]

1 Short title

This Act may be cited as the Bail Act.

2 Definition

In this Act, unless the context otherwise requires —

“**conviction**” includes a finding of guilt, a finding that a person is not guilty by reason of insanity and a conviction of an offence for which an order is made placing the offender on probation or discharging him absolutely or conditionally;

“**Court**” includes a judge or a magistrate;

“**police officer**” means a police officer of the rank of sergeant or above, or the police officer in charge of the police station and, for the purpose of granting bail, if no such police officer is available, includes a Justice of the Peace appointed under section 94A of the Magistrate’s Court Act;²

“**surrender to custody**” means in relation to a person released on bail, surrendering himself into the custody of the Court or of the police officer (according to the requirements of the grant of bail) at the time and place for the time being appointed for him to do so.