

# AS TABLED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

## BAIL AMENDMENT ACT 2012

WHEREAS it is expedient to amend the Bail Act 2005;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

### Citation

1 This Act, which amends the Bail Act 2005 (the "principal Act") may be cited as the Bail Amendment Act 2012.

### Inserts section 11A

2 The principal Act is amended by inserting next after section 11 the following—

#### "Bail and failure to obtain sureties

11A Where a person is granted bail under section 11, and that person is unable to obtain the required surety, that person shall be remanded into the care and custody of the Commissioner of Prisons until—

- (a) such court ordered surety is obtained; or
- (b) final determination of the matter for which bail has been granted."

## BAIL AMENDMENT BILL 2012

### EXPLANATORY MEMORANDUM

This Bill seeks to amend the Bail Act 2005 (the “principal Act”).

Clause 1 is the citation.

Clause 2 inserts into the principal Act section 11A, thereby closing the lacuna (gap in the law) concerning the question of who is legally responsible for those persons who: (a) have been bailed with surety; (b) due to an inability to find surety are detained in custody until surety has been found. By way of section 11A, the Commissioner of Prisons will be legally responsible for persons who: (a) have been bailed with surety; (b) due to an inability to find surety are detained in custody until surety has been found.