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# **BAIL (AMENDMENT) ACT, 2020**

## **Arrangement of Sections**

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No. 29 of 2020

## BAIL (AMENDMENT) ACT, 2020

### AN ACT TO AMEND THE BAIL ACT TO INCREASE THE JURISDICTION OF A MAGISTERIAL COURT TO GRANT BAIL IN CERTAIN CASES; TO PROVIDE FOR THE MAKING OF RULES FOR REGULATING THE PROCEDURE FOR APPLYING FOR BAIL; AND FOR CONNECTED PURPOSES

[Date of Assent - 24<sup>th</sup> November, 2020]

Enacted by the Parliament of The Bahamas

#### 1. Short title and commencement.

- (1) This Act, which amends the Bail Act (*Ch. 103*), may be cited as the Bail (Amendment) Act, 2020.
- (2) This Act shall come into force on such date as the Minister may appoint by notice published in the *Gazette*.

#### 2. Amendment of section 2 of the principal Act.

Section 2 of the principal Act is amended by the insertion, in the appropriate alphabetical order, of the following —

“**Bail Management System**” means the electronic system which —

- (a) provides an efficient and secure mechanism through which applications for bail may be made;
- (b) monitors reporting requirements as a condition of bail with respect to a person granted bail;
- (c) alerts the respective authorities where there has been non-compliance with a reporting requirement as a condition to the grant of bail;

“**respective authorities**” mean The Royal Bahamas Police Force, The Bahamas Department of Correctional Services, the Office of the Director of Public Prosecutions, and the Court;”.

**3. Amendment of section 3 of the principal Act.**

Section 3 of the principal Act is amended by the insertion, immediately after subsection (2), of the following new subsection —

- “(3) The Rules Committee established under section 75 of the Supreme Court Act (*Ch. 53*) may make rules for regulating the procedure for applying for bail, and in particular, but without prejudice to the generality of the foregoing, such rules may deal with any matter necessary or expedient for the effective and efficient processing of applications for bail.”.

**3A. Insertion of new section into the principal Act.**

The principal Act is amended by the insertion, immediately after section 3 of the following new sections —

**“3A. Persons charged with an offence must register with the Bail Management System.**

Every person charged with a criminal offence after the coming into operation of the Bail Management System shall be required to register with the Bail Management System either at the Magistrates Court, the Criminal Registry of the Supreme Court, or at the Bahamas Department of Correctional Services with such information as may be required by the Rules regulating the procedure for applying for bail, inclusive of biometric fingerprint data, for the purposes of verifying his identification in the Bail Management System.

**3B. Persons presently on bail must register with the Bail Management System.**

Every person on bail, at the coming into operation of the Bail Management System, with reporting in requirements as a condition of his bail, shall be required to register with the Bail Management System with such information as is required by the provisions of section 3A of this Act.”.

**4. Amendment of section 4 of the principal Act.**

Section 4 of the principal Act is amended —

- (a) by the deletion of subsection (3); and
- (b) in subsection (3A), by the deletion of the words “or Part D”.

**5. Amendment of section 13 of the principal Act.**

Subsection (2) of section 13 of the principal Act is amended in paragraph (b) by the insertion, immediately after the words “require the surety to” of the words “utilise the Bail Management System to”.

**6. Amendment of First Schedule to the principal Act.**

The First Schedule to the principal Act is amended —

- (a) in Part B, by the insertion in the appropriate place, of the words “Possession of Dangerous Drugs with intent to supply – section 22, Ch. 228”; and
- (b) in Part C, by the deletion of the words “Possession of Dangerous Drugs with intent to supply – section 22, Ch. 228;”.

**7. Amendment of Second Schedule to the principal Act.**

The Form set out in the Second Schedule to the principal Act is amended —

- (a) by the deletion of the full stop appearing at the end of paragraphs (d) and (e) and the substitution of a semi-colon thereof; and
- (b) by the insertion of the following new paragraph —  
“(f) that my/\*our National Insurance number(\*s) is/\*are  
.....”.