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Second Session Eleventh Parliament Republic of  
Trinidad and Tobago

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HOUSE OF REPRESENTATIVES

**BILL**

AN ACT to amend the Bail Act, Chap. 4:60

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THE BAIL (ACCESS TO BAIL) (AMENDMENT) BILL, 2017

**Explanatory Note**

(These notes form no part of the Bill but are intended only to indicate its general purport)

This Bill seeks to amend the Bail Act, Chap. 4:60.

The purpose of the Bail (Access to Bail) (Amendment) Bill, 2017 is to amend the Bail Act, Chap. 4:60 to facilitate a move away from the use of property as a means of providing security for accessing bail and the introduction of the requirement for security by way of up front deposits of cash or certified cheque.

Clause 1 of the Bill would provide for the short title of the Bill.

Clause 2 of the Bill would provide for the coming into force of the proposed Act on the date fixed by the President by Proclamation.

Clause 3 of the Bill would provide for the interpretation of the words “the Act” to mean the Bail Act.

Clause 4 of the Bill seeks to amend section 12 of the Act by—

(a) inserting after subsection (4) the following new subsections—

- (i) subsection (4A) provides for the forms in which security for bail shall be provided;
- (ii) subsection (4B) seeks to provide for a person acting on behalf of a Defendant who has been taken into custody to give security by way of cash or certified cheque to a prison officer designated to collect same by the Commissioner of Prisons for that purpose should that person be unable to pay said security into Court due to time constraints;
- (iii) subsection (4C) seeks to provide for receipts to be issued to persons who pay cash or certified cheques to a prison officer appointed by the Commissioner of Prisons to receive same and for the Commissioner of Prisons to cause the cash or certified cheque to be deposited into the relevant Court on the next working day;

- (iv) subsection (4D) would seek to provide that the Commissioner of Prisons ensure that a proper record of all bail monies received is kept;
- (v) subsection (4E) would seek to provide for the Fourth Schedule which would contain the days and times during which a prison officer can accept security for the purpose of bail;
- (vi) subsection (4F) provides for the Minister to amend the Fourth Schedule by Order.

Clause 5 of the Bill would seek to amend section 17 of the Bail Act by—

- (a) setting out the process for forfeiture of security should a defendant fail to appear on the date set by the Court;
- (b) further providing for the forfeited sums to be deposited with the Comptroller of Accounts for payment into the consolidated fund; and
- (c) seeking to provide for the payment of fines to the Court or to pay compensation to victims of the offence using the bail monies paid into Court by the defendant.

Clause 6 of the Bill seeks to amend the Act by inserting after the Third Schedule, a Fourth Schedule which would seek to provide the days and times during which a prison officer designated by the Commissioner of Prisons can accept security for the purpose of bail.

THE BAIL (ACCESS TO BAIL) (AMENDMENT) BILL, 2017

**Arrangement of Clauses**

Clause

1. Short title
2. Commencement
3. Interpretation
4. Section 12 amended
5. Section 17 amended
6. Fourth Schedule inserted

# **BILL**

AN ACT to amend the Bail Act, Chap. 4:60

[ , 2017]

ENACTED by the Parliament of Trinidad and Tobago as Enactment follows:

- 1.** This Act may be cited as the Bail (Access to Bail) Short title (Amendment) Act, 2017.
- 2.** This Act shall come into operation on such date as Commencement is set by the President by Proclamation.

Interpretation  
Chap. 4:60

**3.** In this Act, “the Act” means the Bail Act.

Section 12 amended

**4.** Section 12 of the Act is amended by inserting after subsection (4), the following subsections:

“ (4A) The security given under subsection (4) may be in the form of—

(a) cash or certified cheque, where the amount of security is ten thousand dollars or less;

(b) certified cheque, where the amount of security is greater than ten thousand dollars;

(c) a bond issued by a registered financial institution as defined in the Financial Institutions Act; or

Chap. 79:09

(d) a charge on immovable property.

(4B) Where bail is granted to a defendant and he or a person acting on his behalf is desirous of giving security in the form of cash or certified cheque, but is unable to do so before the office of the Court ceases to accept payment on the day on which the bail is granted, he or the person acting on his behalf may give such security to a prison officer designated by the Commissioner of Prisons for that purpose.

(4C) Where a prison officer receives security in the form of cash or certified cheque under subsection (4B), he shall issue the person giving the security with a receipt and the Commissioner of Prisons shall cause the cash or certified cheque to be deposited on the next working day at the Court that granted the relevant bail.

(4D) The Commissioner of Prisons shall ensure that a proper record of all monies received and deposited under subsections (4B) and (4C) is maintained.

(4E) The days and times during which a prison officer designated by the Commissioner of Police may accept security for the purpose of bail shall be as specified in the Fourth Fourth Schedule Schedule.

(4F) The Minister may by Order amend the Fourth Schedule.”.

**5. Section 17 of the Act is amended—**

Section 17 amended

(a) by repealing subsection (2) and substituting the following subsection:

“ (2) Where a Court orders the forfeiture of security under subsection (1), the Court may—

(a) order that the forfeiture extend to such amounts less than the full value of the security as it thinks fit; or

(b) where the defendant gave his own security but failed to surrender to custody, allow the defendant on application made within seven days of making the order for forfeiture to show cause why the forfeited security or part thereof should be returned.”;

(b) in subsection (3)(a), by deleting the words “and paid in the same manner as a fine imposed by that Court would be” and substituting the words “and deposited with the Comptroller of Accounts for payment into the Consolidated Fund.”; and

(c) by inserting after subsection (4), the following subsections:

“ (5) Where a defendant has been granted bail and the security given by him has not been forfeited, the Court may, if the defendant is convicted, order that the security be applied towards the payment of—

(a) any fines imposed on the defendant if the defendant elects to pay the fine; or

(b) any compensation ordered by the Court for victims of the offence committed by the defendant,

and any remaining balance shall be refunded to the defendant.

(6) Subsection (5) does not apply in the case of security given by a surety.”.

Fourth Schedule  
inserted

**6. The Act is amended by inserting after the Third Schedule, the following Schedule:**

“FOURTH SCHEDULE

[Section 12(4E)]

DAYS AND TIMES DURING WHICH PERSONS MAY GIVE SECURITY FOR  
BAIL AT PRISONS

Day	Times
Monday	8.00 a.m. to 6.00 p.m.
Tuesday	8.00 a.m. to 6.00 p.m.
Wednesday	8.00 a.m. to 6.00 p.m.
Thursday	8.00 a.m. to 6.00 p.m.
Friday	8.00 a.m. to 6.00 p.m.
Saturday	8.00 a.m. to 4.00 p.m.”



No. 10 of 2017

SECOND SESSION  
ELEVENTH PARLIAMENT

REPUBLIC OF  
TRINIDAD AND TOBAGO

**BILL**

AN ACT to amend the Bail Act,  
Chap.4:60

Received and read the

First time .....

Second time .....

Third time .....