

BAIL

What is bail?

When someone is accused of a crime, the court decides whether or not they may remain at liberty until the charge against them is dealt with – bail is the order the court makes when a person is released pending the outcome of the case.

How does the court decide?

An accused person must be treated as innocent until proved guilty, but this does not mean they must be released on bail. The court will consider their previous criminal record (if any), especially whether they have ever failed to attend court when required to do so in the past, and any possible risk to the public. The court then decides whether to release the person on bail or remand them in custody until the trial date.

Do you have to pay for bail?

In general there is no money to be put up for bail, but bail will be subject to conditions which, if broken, are a separate criminal offence and may lead to the accused being remanded in custody until trial. Breaches of bail can attract a separate period of imprisonment. A Court can ask for bail money to be lodged but this is extremely rare.

What are the conditions attached to bail?

The standard conditions of bail are that the accused must appear on time for all future court dates, must inform the court within 7 days of any change of address, must not commit any further offences whilst on bail, must not interfere with witnesses, must co-operate with any reports that may have to be prepared for the court, and attend for an identification parade if required to do so.

Sometimes the court may also impose special conditions. For example, in a case of domestic violence the accused will usually be required to stay away from the victim and the address where it happened.

What can be done if bail is refused?

An accused person who is refused bail can ask for the decision to be reviewed, and can appeal to the High Court.