

**Bail Rules**

**BAIL RULES, 2000**

**ARRANGEMENT OF RULES**

**RULE**

1. Citation.
2. Interpretation.
3. Application to the High Court.
4. Refusal of application.
5. Variation of bail conditions.
6. Bail pending appeal.
7. Taking of recognizance.
8. Release of defendant.
9. Enforcement of recognizance.
10. Notice of enlargement of recognizance.
11. Bail records.
12. Notice of change of appearance.
13. Variation of bail.
14. Forms.

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**SCHEDULE**



**Bail**

Cap. 122A.

**BAIL RULES, 2000**

2001/23.

**Authority:** These Rules were made on 26th January, 2000 by the Rules Committee of the Supreme Court under section 20 of the *Bail Act*.

**Commencement:** 26th February, 2001.

**1.** These Rules may be cited as the *Bail Rules, 2000*.

Citation.

**2.** In these Rules,

Interpreta-  
tion.

"prescribed form" means the relevant form set out in the *Schedule*;

Schedule.

"Registrar" means the Registrar of the Supreme Court;

"Superintendent" means the Superintendent of Prisons.

**3.** (1) An application to the High Court in respect of bail must be made before a Judge in Chambers in the prescribed form.

Application  
to the High  
Court.

(2) Where the application in respect of bail is made by

(a) an attorney-at-law who is representing a defendant; or

(b) the prosecution in respect of the variation of bail,

the application must be made by summons and must be supported by affidavit.

(3) Where the application in respect of bail is made by a person who is not represented by an attorney-at-law, it must be in the prescribed form, but no affidavit is required.

(4) The summons referred to in paragraph (2) must be served at least 24 hours before the day named therein for the hearing

(a) on the Director of Public Prosecutions, where the application is made by the defendant; and

(b) on the defendant, where the application is made by the Director of Public Prosecutions.

(5) Where a Judge in Chambers before whom an application for bail is heard grants the defendant bail, the order relating to bail and a copy thereof shall be transmitted forthwith to the clerk of the court which committed the defendant.

(6) Every person who makes an application to the High Court relating to bail shall inform the court of any earlier application to the High Court or to the magistrate's court relating to bail in the course of the same proceedings.

Refusal of application.

**4.** If an application for bail is refused by a Judge in Chambers, the applicant shall not be entitled to make a new application to any other Judge unless there has been a change in the circumstances of the applicant or new considerations have arisen.

Variation of bail conditions.

**5.** Where an order by a Judge in Chambers varying the arrangements under which the defendant has been granted bail has been made, a copy of the order shall be transmitted forthwith to the clerk of the magistrate's court which committed the defendant.

Bail pending appeal.

**6.** Where in pursuance of an order of the court a person is released on bail pending

(a) the determination of an appeal; or

(b) an application for an order of *certiorari*,

then upon the abandonment of the appeal or the application, or upon the decision being given, any magistrate may issue process for enforcing the decision in respect of which the appeal or the application was brought or the decision of the court was given, as the case may be.

7. (1) The recognizance of any surety required as a condition of bail granted under these Rules may, when the defendant is in prison or other place of detention, be entered into before the Superintendent or the officer in charge of the place of detention as well as before the persons specified in section 14(4) of the Act. Taking of recognizance.

(2) Where under section 12(2) or (4) of the Act a Judge in Chambers or a magistrate's court imposes a requirement to be complied with before a person's release on bail, the Judge or magistrate may give directions as to the manner in which, and the person before whom, the requirement may be complied with.

(3) A person who, in pursuance of an order for the grant of bail made by a Judge, proposes to enter into a recognizance or give security must, unless the Judge otherwise directs, give notice to the prosecutor at least 24 hours before he enters into the recognizance or complies with the requirement.

(4) Where in pursuance of an order of the court a recognizance is entered into or requirement complied with before any person, it shall be the duty of that person to cause the recognizance or a statement of the requirement complied with, as the case may be, to be transmitted,

- (a) where the defendant has been committed to the High Court for trial or to be sentenced or otherwise dealt with, to the Registrar; or
- (b) in any other case, to the clerk of the court which committed the defendant.

(5) A copy of the recognizance or statement referred to in paragraph (4) shall be sent to the Superintendent or the officer in charge of the place of detention, unless the recognizance was entered into or the requirement complied with before the Superintendent or that officer.

- (6) Where a magistrate's court has
  - (a) fixed the amount in which a person is to be bound by a recognizance; or

- (b) imposed under section 12 of the Act any requirement or condition to be complied with before a person's release on bail,

the clerk of the magistrate's court shall issue a certificate showing the amount and conditions, if any, of the recognizance or, as the case may be, containing a statement of the requirement or condition of bail to the person required to comply with the requirement or condition or take the recognizance.

(7) Where any person proposed as a surety for a person committed to custody by a court produces to the Superintendent or the officer in charge of any other place of detention a certificate from the court to the effect that he is acceptable as a surety, the Superintendent or the officer in charge of the place of detention shall take the recognizance of the person.

(8) A person who takes the recognizance of a surety or certifies that a requirement or condition of bail has been complied with shall send notice thereof to the Superintendent and, in the case of a recognizance of a surety, shall give a copy of the notice to the surety.

Release of  
defendant.

**8.** Where the Superintendent or any other person who is in charge of a place of detention

- (a) receives a certificate signed by the Registrar stating that the recognizance of any surety required by the court has been taken and that any requirements imposed by the court have been complied with; and
- (b) is satisfied that the recognizances of all sureties have been taken and that all requirements have been complied with,

the Superintendent or the person in charge of the place of detention shall release the person from custody.

Enforcement  
of recogni-  
zance.

**9.** (1) Where in pursuance of section 12(2) of the Act security has been given in respect of a person granted bail with a duty to surrender to the custody of a court and either

- (a) that person surrenders to the custody of the court; or

- (b) that person, having failed to surrender to the custody of the court, the court decides not to order the forfeiture of the security,

the Registrar or the clerk of the court shall as soon as possible give notice of the surrender to custody or, as the case may be, of the decision not to forfeit the security to the person before whom the security was given.

(2) Where a recognizance has been entered into in respect of a person granted bail to appear before a court and it appears to the court that a default has been made in performing the conditions of the recognizance, the court may order the recognizance to be estreated.

(3) Every application to estreat a recognizance in the High Court must be made by summons to a Judge in Chambers, and must be supported by affidavit showing in what manner the breach has been committed and proving that the summons was duly served.

(4) A summons under this rule must be served at least 2 clear days before the day named therein for the hearing.

(5) Where a court is to consider making an order under paragraph (2) for a recognizance to be estreated, the Registrar shall give notice to that effect to the person who entered into the recognizance indicating the time and place at which the matter will be considered.

(6) An order under paragraph (2) shall not be made before the expiration of 7 days after the notice required by paragraph (5) has been given.

**10.** Where a magistrate's court before which any person is bound by a recognizance to appear enlarges the recognizance to a later time under section 219 of the *Magistrate's Courts Act* in his absence, it shall give that person and the sureties of that person notice thereof.

Notice of enlargement of recognizance. Cap. 116A.

Bail records. **11.** (1) Any record required by section 7 of the Act to be made by the High Court shall be made by including in the file relating to the case in question a copy of the relevant order of the court and shall contain the particulars specified in the relevant forms, except that, in the case of a decision to withhold bail, the record shall be made by inserting a statement of the decision on the court's copy of the relevant summons and by including the statement in the file relating to the case in question.

Cap. 116A. (2) Any record required to be made by the magistrate's court by section 7 of the Act, any note of reasons required by section 8, and the particulars set out in any certificate granted under section 9, shall be made by way of an entry in the record kept pursuant to section 11 of the *Magistrate's Courts Act*, and shall contain the particulars specified in the relevant forms.

Notice of change of appearance. **12.** Where  
Cap. 116A. (a) a person has been granted bail under section 77 of the *Magistrate's Courts Act* and the magistrate's court before which that person is to appear appoints under section 77(2) of that Act a later time for that person to appear; or

Cap. 116A. (b) the magistrate's court further remands a person on bail under section 219 of the *Magistrate's Courts Act* in the absence of that person,

the court shall give that person and the sureties of that person notice thereof.

Variation of bail. **13.** Where a magistrate's court has committed a person on bail to the High Court for trial, or subsequently varies any conditions of bail or imposes any condition in respect of bail, the clerk shall send a copy of the record made under section 7 of the Act to the Registrar.

Forms. **14.** The forms set out in the *Schedule* shall be used in respect of  
Schedule. the matters to which they relate.



SCHEDULE

*(Rules 2 and 14)*

FORMS

**TABLE OF FORMS**

*Form*

1. Summons to grant bail.
2. Summons to vary arrangements for bail.
3. Application to Judge in Chambers for admission to bail.
4. Bail information form.
5. Order of Judge in Chambers to release prisoner on bail.
6. Order of Judge varying arrangements for bail.
7. Notice of bail.
8. Notice of appeal by prosecution against bail decision.
9. Certificate of amount and conditions of surety's recognizance.
10. Certificate as to suitability of surety: magistrate's court.
11. Certificate as to suitability of surety: High Court.
12. Notice of recognizance having been entered into.
13. Notice of compliance with pre-release bail conditions.
14. Recognizance of surety: magistrate's court.
15. Recognizance of surety: High Court.
16. Recognizance: bail; appeal to the Court of Appeal.

*Form*

17. Summons to forfeit recognizance.
18. Notice of forfeiture of recognizance.
19. Order to forfeit recognizance: magistrate's court.
20. Order to forfeit recognizance: High Court.
21. Distress warrant: forfeited recognizance.
22. Warrant of arrest on failure to surrender to bail: High Court.
23. Warrant of arrest on failure to surrender to bail: magistrate's court.
24. Order to bring up prisoner in connection with recognizance: High Court.
25. Order to bring up prisoner in connection with recognizance: magistrate's court.
26. Notice of enlargement of surety's recognizance.
27. Record of decision to appoint a different time and place.
28. Record of decision to grant conditional bail.
29. Record of decision to grant unconditional bail.
30. Record of decision to vary conditions of bail or impose conditions on bail granted unconditionally.
31. Record of decision to withhold bail.
32. Certificate as to hearing of full argument on application for bail.



(Rules 3(1) (2), 11(1), 14)

FORM 2  
Summons to Vary Arrangements for Bail

**BAIL ACT**  
Cap. 122A

IN THE HIGH COURT OF JUSTICE  
CRIMINAL DIVISION

No. of 19

IN THE MATTER OF AN APPLICATION  
FOR THE VARIATION OF BAIL

BETWEEN

A.B. APPLICANT

AND

C.D. RESPONDENT

To THE RESPONDENT [Name]

of [Address]

Let all parties concerned attend the Judge in Chambers on the day  
of 19 at o'clock on the hearing of an application on behalf of  
[Name] \*/by that the terms  
on which [Name]  
was granted bail by on should be varied as  
follows:

Terms on which [Name] was granted bail:

Proposed Variation:

Dated the day of , .

This summons was taken out by of  
agent for of /  
Attorney-at-law for the said [Name] /for D.P.P.

\*/ Delete whichever is inapplicable.

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*(Rules 3(1), 14)*

FORM 3  
**Application to Judge in Chambers for Admission to Bail**

**BAIL ACT**  
Cap. 122A

IN THE HIGH COURT OF JUSTICE  
CRIMINAL DIVISION

NAME:

AGE:

DATE OF BIRTH:

NATIONALITY:

MARITAL STATUS:

DEPENDANTS:

COMMITTING COURT:

PLACE OF DETENTION:

DATE OF RECEPTION INTO PRISON:

OFFENCE CHARGED:

HOME ADDRESS:

LENGTH OF RESIDENCE AT HOME ADDRESS:

NAME PERSON WITH WHOM YOU RESIDE:

GIVE THE NAMES AND ADDRESSES AND OCCUPATIONS OF 2 PERSONS WHO MIGHT ACT AS SURETIES IF BAIL WERE GRANTED:

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NAME: ADDRESS: OCCUPATION:

NAME: ADDRESS: OCCUPATION:

TYPE OF EMPLOYMENT: LENGTH OF EMPLOYMENT:

NAME OF EMPLOYER:

LENGTH OF UNEMPLOYMENT (IF UNEMPLOYED):

MEANS OF SUPPORT:

DO YOU HAVE ANY PREVIOUS CONVICTIONS?

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Application is made for bail pending appearance at the District Magistrate's Court\*/the High Court on the            day of            ,            for trial.

Dated the            day of            ,            .

(Signed)

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\*/ Delete whichever is inapplicable.

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(Rule 14)

FORM 4  
**Bail Information Form**

**BAIL ACT**  
Cap. 122A

DISTRICT      MAGISTRATE'S COURT

NAME:

AGE:      DATE OF BIRTH:      NATIONALITY:

MARITAL STATUS:

DEPENDANTS:

COMMITTING COURT:

PLACE OF DETENTION:

DATE OF RECEPTION INTO PRISON:

OFFENCE CHARGED:

HOME ADDRESS:

LENGTH OF RESIDENCE AT HOME ADDRESS:

NAME PERSON WITH WHOM YOU RESIDE:

GIVE THE NAMES AND ADDRESSES AND OCCUPATIONS OF 2 PERSONS WHO MIGHT ACT AS SURETIES IF BAIL WERE GRANTED:





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(Rules 3(5), 14)

FORM 5  
**Order of Judge in Chambers to Release Prisoner on Bail**

**BAIL ACT**  
Cap. 122A

IN THE HIGH COURT OF JUSTICE  
CRIMINAL DIVISION

The Honourable Mr/Madam Justice \_\_\_\_\_, Judge in Chambers.

Whereas on the \_\_\_\_\_ day of \_\_\_\_\_, [Name] [state the circumstances in which the applicant was committed]/was remanded in custody by the District Magistrate's Court/ was remanded for trial at the High Court on a charge of \_\_\_\_\_

And whereas the said [Name] \_\_\_\_\_ is in the custody of the Superintendent of Her Majesty's prison at \_\_\_\_\_ and has applied to the judge in chambers to be granted bail:

Upon hearing counsel for the said [Name] \_\_\_\_\_ and upon reading the affidavit of \_\_\_\_\_ filed the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_:

It is ordered that the said [Name] \_\_\_\_\_ after complying with the condition(s) specified in Schedule I hereto, shall be released on bail, subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of the District Magistrate's Court on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m./the High Court on such day at such time and place as may be notified to the said [Name] \_\_\_\_\_ by the Registrar or the Court clerk.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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/ Delete whichever is inapplicable.

SCHEDULE I

*Conditions to be complied with before release on bail †*

SCHEDULE II

*Conditions to be complied with after release on bail †*

Insert condition(s) as appropriate (including in Schedule I directions under rule 7(2) in respect of any pre-release conditions).

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(Rules 5, 14)

FORM 6  
Order of Judge Varying Arrangements for Bail

**BAIL ACT**  
Cap. 122A

IN THE HIGH COURT OF JUSTICE  
CRIMINAL DIVISION

The Honourable Mr/Madam Justice \_\_\_\_\_, Judge in Chambers.

Whereas on the \_\_\_\_\_ day of \_\_\_\_\_, [state the circumstances in which the committal was made][Name] \_\_\_\_\_ was remanded in custody / was committed in custody by the District Magistrate's Court/for trial at the High Court on a charge of \_\_\_\_\_ / or was convicted by the District Magistrate's Court and sentenced to \_\_\_\_\_ and [Name] \_\_\_\_\_ has given notice of appeal to the High Court against such conviction /sentence:

And whereas the said [Name] \_\_\_\_\_ was granted bail with a duty to surrender to the custody of the District Magistrate's Court on/ at \_\_\_\_\_ a.m./p.m./ the High Court/ on a day and at a time and to be notified by the Registrar and subject to the following conditions: [state conditions imposed on the grant of bail].

And whereas [Name] \_\_\_\_\_ has applied to the Judge in Chambers for a variation in the said arrangements for bail:

Upon hearing counsel for the applicant and upon reading the affidavit of \_\_\_\_\_ filed the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

It is ordered that the said arrangements for bail be varied as follows:

Dated the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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/ Delete whichever is inapplicable.

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(Rules 7(3), 14)

FORM 7  
Notice of Bail

**BAIL ACT**  
Cap. 122A

IN THE HIGH COURT OF JUSTICE  
CRIMINAL DIVISION

Whereas on the        day of        ,        [Name]  
was [state circumstances in which        was committed]:

And whereas the Honourable Mr/Madam Justice  
made an order dated the        day of        that [recite order for bail]

Take notice that in pursuance of the said order the following sureties:

[Name]  
[Name]  
will enter into recognizance\*/ give security before        at  
on the        day of        at        a.m./p.m.

Dated the        day of        ,        .

(Signed)  
Attorney-at-Law  
for [Name]

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\* Delete whichever is inapplicable.

(Rule 14)

**FORM 8  
Notice of Appeal by Prosecution  
Against Bail Decision**

**BAIL ACT**  
Cap. 122A, s. 19 (2)(b)

**IN THE HIGH COURT OF JUSTICE  
CRIMINAL DIVISION**

Whereas on the            day of            ,            *[accused]*  
was granted bail by the magistrate at the District    Magistrate's  
Court.

Take notice that the Director of Public Prosecutions intends to appeal to the High  
Court against the bail decision on the grounds hereinafter set forth:

Dated the            day of            ,            .

Signed.....  
Director of Public Prosecutions

(Rules 7(6), 14)

FORM 9  
Certificate of Amount and Conditions of Surety's Recognizance

**BAIL ACT**  
Cap. 122A, ss. 12, 14

DISTRICT MAGISTRATE'S COURT

Date:

Accused:

Alleged offence:

I hereby certify that the above-named court has granted the accused bail, subject to the condition(s) specified in Schedules I and II hereto and with a duty to surrender to the custody of the (court) on ..... at ..... a.m./p.m.

Signed.....  
Magistrate

SCHEDULE I

Conditions to be complied with before release on bail†

To provide surety/sureties in the sum of \$ [each] to secure the accused's surrender to custody at the time and place appointed.

SCHEDULE II

Conditions to be complied with after release on bail †

/ Delete whichever is inapplicable.

† Insert condition(s) as appropriate (including in Schedule I directions under rule 7(2)) in respect of any pre-release conditions.

(Rules 7(7), 14)

FORM 10  
Certificate as to Suitability of Surety: Magistrate's Court

**BAIL ACT**  
Cap. 122A

DISTRICT MAGISTRATE'S COURT

To the Superintendent of Her Majesty's Prisons

Date:

Accused:

Surety:

Address of Surety:

Surety Recognizance: \$.....

.....  
Signature of Surety  
.....

The accused being in custody under a warrant of *(date)* issued by the *(court)*, I hereby certify that the bearer of this certificate, being the person named above as surety and whose signature is in the margin hereof, has satisfied the District Magistrate's Court that he/she is an acceptable surety for the accused.

Signed.....  
Clerk of the Court

/ Delete whichever is inapplicable.

(Rule 7(7))

FORM 11  
Certificate as to Suitability of Surety: High Court

**BAIL ACT**  
Cap. 122A

IN THE HIGH COURT OF JUSTICE  
CRIMINAL DIVISION

**To the Superintendent of Her Majesty's Prisons**

Date:

Accused:

Surety:

Address of Surety:

Surety Recognizance: \$.....

The accused being in custody under a warrant of *(date)*  
issued by the *(court)* ,  
I hereby certify that the bearer of this certificate, being  
the person named above as surety and whose signature is  
in the margin hereof, has satisfied the High Court that  
he/she is an acceptable surety for the accused.

.....  
Signature of Surety

Signed.....  
Clerk of the Court



(Rules 7(8), 8, 14)

FORM 12  
Notice of Recognizance Having Been Entered Into

**BAIL ACT**  
Cap. 122A

DISTRICT MAGISTRATE'S COURT

To: The Superintendent of Her Majesty's Prisons\*/  
The Police Officer in charge of the Police Station

Date:

Accused:

Address:

Surety:

Address:

Take notice that the accused being in custody under a warrant of *(date)* issued by the *(court)*, I hereby give notice that the above-named surety/sureties has/have entered into recognizance before *(name)* on *(date)* in the sum of \$ [each] before the District Magistrate's Court.

Signature:.....

Designation.....

\* Delete whichever is inapplicable.

(Rule 8)

FORM 13  
Notice of Compliance with Pre-release Bail Conditions

**BAIL ACT**  
Cap. 122A

DISTRICT MAGISTRATE'S COURT

To: The Superintendent of Her Majesty's Prisons\*/  
The Police Officer in charge of Police Station

Date:

Accused:

The accused being in custody under a warrant of (date)  
issued by the (court) , I hereby  
give notice that the following requirement(s), to be  
complied with before release on bail, has/have been duly  
complied with:

†

Signature.....

Designation.....

† Insert condition(s) as appropriate (including directions under rule 7, in respect of any pre-release conditions).

\* Delete whichever is inapplicable.



(Rule 7(1), 14)

FORM 15  
Recognizance of Surety: High Court

**BAIL ACT**  
Cap. 122A

IN THE HIGH COURT OF JUSTICE  
CRIMINAL DIVISION

Date:

Accused:

Address:

Surety:

Address:

Order: Bail granted by the Honourable Mr/Madam Justice  
, High Court Judge in the sum of  
\$

I acknowledge my obligation to pay the sum specified  
opposite my signature if the accused fails to surrender to  
the custody of the (*court*)  
on at a.m./p.m./custody  
at every time and place to which during the course of the  
proceedings the hearing may from time to time be  
adjourned.

Signature..... \$.....

Taken before me .....  
Clerk of the Court/Police Officer/  
Superintendent of Prisons

/ Delete whichever is inapplicable.

(Rule 14)

FORM 16  
**Recognizance: Bail; Appeal to the Court of Appeal**

**BAIL ACT**  
Cap. 122A

DISTRICT MAGISTRATE'S COURT

Date:

Principal:

Address:

I acknowledge my obligation to comply with the condition(s) specified below.

Signature.....

Surety:

Address:

I acknowledge my obligation to pay the court the sum specified opposite my signature if the principal fails to comply with the condition(s) specified below.

Signature..... \$.....

Surety:

Address:

I acknowledge my obligation to pay the court the sum specified opposite my signature if the principal fails to comply with the condition(s) specified below.

Signature:..... \$.....

Taken before me.....  
Clerk of Court/Police Officer/  
Superintendent of Prisons

CONDITION

The principal shall appear at the Court of Appeal at such time as the principal may be directed for the hearing of the principal's appeal. This recognizance shall then be void but otherwise shall remain in full force.

District      Magistrate's Court.....

Offence/order and date.....

Decision subject to appeal.....

/ Delete whichever is inapplicable.

(Rule 9)

FORM 17  
**Summons to Forfeit Recognizance**

**BAIL ACT**  
Cap. 122A

IN THE HIGH COURT OF JUSTICE  
CRIMINAL DIVISION

Let all parties concerned attend the Judge in Chambers on the \_\_\_\_\_ day  
of \_\_\_\_\_, at \_\_\_\_\_ o'clock on the hearing of an order that the defendant  
(*name*) \_\_\_\_\_ on (*date*) \_\_\_\_\_ broke the following condition(s)  
of the recognizance and the recognizance should be forfeited.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

This summons was taken out by \_\_\_\_\_ of  
agent for \_\_\_\_\_  
of \_\_\_\_\_ /Attorney-at-law for the said

(Rule 9)

FORM 18  
Notice of Forfeiture of Recognizance

**BAIL ACT**  
Cap. 122A

DISTRICT MAGISTRATE'S COURT

Date:

Address:

Take notice that on the complaint of  
this Court has today /on determined  
that the recognizance entered into by you on  
(date) be forfeited.

You have been ordered to pay the following sum(s) by  
weekly/monthly instalments of \$ . The first  
instalment must be paid immediately/by (date)

Recognizance: \$

Costs  
(if applicable): \$

Payment must be made personally at the address shown  
below on (day) between (time) and  
(time)

Payment to:

(Address)

(Telephone No. )

/ Delete whichever is inapplicable.



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Failure to pay in accordance with the above directions may result in a distress warrant being issued against you or a warrant for your arrest unless you have been granted further time for payment; application for further time for payment may be made in writing to the ..... stating the grounds for the application.

Signature.....  
Clerk of the Court

(Rule 9)

FORM 19  
Order to Forfeit Recognizance: Magistrate's Court

**BAIL ACT**  
Cap. 122A

DISTRICT    MAGISTRATE'S COURT

Date:

Defendant:

Address:

Date of Order:

Amount of Recognizance: \$

Duration of Recognizance:

Condition of Recognizance:    (*state condition breached*)

Decision:    That the defendant on (*date*)                broke the above condition of  
the recognizance and that the recognizance should be forfeited.

Order:        The defendant should pay \$

Costs:

Signature.....  
Magistrate

(Rule 9)

FORM 20  
**Order to Forfeit Recognizance: High Court**

**BAIL ACT**  
Cap. 122A

IN THE HIGH COURT OF JUSTICE  
CRIMINAL DIVISION

The Honourable Mr/Madam Justice \_\_\_\_\_, Judge in Chambers.

Date:

Defendant:

Address:

Date of Order:

Amount of Recognizance: \$

Duration of Recognizance:

Condition of Recognizance: *(state condition breached)*

Decision: That the defendant on *(date)* broke the above condition of the recognizance and that the recognizance should be forfeited.

Order: The defendant should pay \$

Costs:

Signature.....  
High Court Judge

(Rule 9)

FORM 21  
**Distress Warrant: Forfeited Recognizance**

**BAIL ACT**  
Cap. 122A

DISTRICT    MAGISTRATE'S COURT

Date:

Defendant:

Address:

Date of Order:

Amount of Recognizance: \$

Duration of Recognizance:

Condition of Recognizance:    *(state condition breached)*

Decision: That the defendant on *(date)*                      broke the above condition of the  
recognizance and that the recognizance should be forfeited.

Order:                      The defendant should pay \$

Costs:                      \$  
Notice of the forfeiture having been served on the defendant and  
default in the following amount having been made in payment:

Amount still  
outstanding:                      \$

**To: The Chief Marshal:**

Direction: You are hereby required immediately to make distress of the money and goods of the accused (except the clothing and bedding of the accused and the accused's family, the tools and implements of the accused's trade); and if amount shown above is still outstanding, together with the costs and charges of taking and keeping the distress, are not paid, then not earlier than the sixth day after the making of the distress, unless the accused consents in writing to an earlier sale, to sell the goods and pay the proceeds of the distress to the Clerk of the District Magistrate's Court, and if no/insufficient distress can be found, to certify the same to that Magistrate's Court.

Signed.....  
Magistrate

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/Delete whichever is inapplicable.

(Rule 14)

FORM 22

**Warrant of Arrest on Failure to Surrender to Bail: High Court**

**BAIL ACT**

Cap. 122A, s. 18

IN THE HIGH COURT OF JUSTICE  
CRIMINAL DIVISION

The Honourable Mr/Madam Justice \_\_\_\_\_, Judge in Chambers.

Date:

Accused:

Address:

Alleged offence: *(short particulars and statute)*

The accused having been released on bail with a duty to surrender to the custody of the High Court on this day at *(time)* and having failed to surrender to custody as required:

Direction: You, the officers of the **Royal Barbados Police Force**, are hereby required to arrest the accused and bring the accused before the High Court immediately, unless the accused is released on bail as directed below.

\*Bail On arrest, after complying with the condition(s) specified in Schedule I hereto, the accused shall be released on bail subject to the condition(s) specified in Schedule II hereto and with a duty to surrender to the custody of the High Court on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

Signed.....  
High Court Judge

\* Delete if bail is not granted.

SCHEDULE I

**Conditions to be complied with before release on bail**<sup>†</sup>

To provide                   surety/sureties in the sum of                   /each to secure the  
accused's surrender to custody at the time and place appointed.

SCHEDULE II

**Conditions to be complied with after release on bail**<sup>†</sup>

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<sup>†</sup> Insert condition(s) as appropriate (including in Schedule I directions under rule 7, in respect of any pre-release conditions).





SCHEDULE I

**Conditions to be complied with before release on bail**†

To provide                   surety/sureties in the sum of                   /each to secure the  
accused's surrender to custody at the time and place appointed.

SCHEDULE II

**Conditions to be complied with after release on bail**†

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† Insert condition(s) as appropriate (including in Schedule I directions under rule 7 in respect of any pre-release conditions).

/ Delete whichever is inapplicable.

(Rule 14)

FORM 24  
Order to Bring up Prisoner in Connection with Recognizance: High Court

**BAIL ACT**  
Cap. 122A

IN THE HIGH COURT OF JUSTICE  
CRIMINAL DIVISION

The Honourable Mr/Madam Justice \_\_\_\_\_, Judge in Chambers.

To: The Superintendent of Prisons\*/  
Police Officer in charge of \_\_\_\_\_ Police Station.

Prisoner's name:

This prisoner was committed to your custody under a warrant of commitment (*dated*)

on remand until (*date*) \*/[*state other circumstances of commitment*].

Direction: You are hereby required to bring the prisoner before the High Court on (*date*) at (*time*) to be further dealt with according to law/ [*state other reason for requiring attendance*].

Signed.....  
High Court Judge

\*/ Delete whichever is inapplicable.



(Rule 10)

FORM 26  
Notice of Enlargement of Surety's Recognizance

**BAIL ACT**  
Cap. 122A

DISTRICT    MAGISTRATE'S COURT

Date:

Accused:

Address:

Suret[y][ies]:        \$

Address:

Take notice that this court has today enlarged the  
recognizance(s) entered into by you on  
You are bound to secure the accused's surrender to the custody  
of the (court)

at

on                    at                    a.m./p.m.\* / at every time and place  
to which during the course of the proceedings the hearing may  
from time to time be adjourned.

Signed.....  
Magistrate/Clerk of the Court

\* / Delete whichever is inapplicable.

(Rule 13)

FORM 27  
Record of Decision to Appoint a Different Time and Place

**BAIL ACT**  
Cap. 122A

DISTRICT MAGISTRATE'S COURT

Date:

Accused:

Bail granted on: (date)

Bail granted by: District Magistrate's Court/Police Officer

Time originally  
appointed  
for surrender: at a.m./p.m. on

Decision: The accused is now under a duty to surrender  
to the custody of the District Magistrate's  
Court on at a.m./p.m.

Signature.....  
Magistrate

(Rules 11, 14)

FORM 28  
Record of Decision to Grant Conditional Bail

**BAIL ACT**  
Cap. 122A

DISTRICT MAGISTRATE'S COURT

Date:

Accused:

Date of Birth:

Alleged offence(s): *(short particulars and statute)*

Decision: The accused is granted bail with a duty to surrender to the custody of the District Magistrate's Court on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m./the High Court/ at the time and place for the time being appointed by the court.

Conditions: **Conditions to be complied with before release on bail†**

To provide \_\_\_\_\_ surety/sureties in the sum of \$ \_\_\_\_\_ to secure the accused's surrender to custody \_\_\_\_\_ at the time and place appointed.

**Conditions to be complied with after release on bail†**

Reasons: The above conditions were imposed on the grant of bail for the following reason(s):

Signature.....  
Magistrate

(Rules 11, 14)

FORM 29  
**Record of Decision to Grant Unconditional Bail**

**BAIL ACT**  
Cap. 122A

DISTRICT      MAGISTRATE'S COURT

Date:

Accused:

Date of Birth:

Alleged offence(s): *(short particulars and statute)*

Decision:            The accused is granted bail with a duty to surrender to the custody  
of the District    Magistrate's Court on  
at            a.m./p.m./ the High Court/at the time and place for the  
time being appointed by that court.

Signature .....  
Magistrate

(Rules 11, 14)

FORM 30  
Record of Decision to Vary Conditions of Bail or Impose  
Conditions on Bail Granted Unconditionally

BAIL ACT  
Cap. 122A

DISTRICT    MAGISTRATE'S COURT

Date:

Accused:

Date of Birth:

Alleged offence(s): *(short particulars and statute)*

The accused having been granted bail by the above-named magistrate's court on *(date)* with a duty to surrender to the custody of the District Magistrate's Court on at a.m./p.m./the High Court/ at the time and place for the time being appointed by that court, and the said bail being subject to conditions.

Application having been made by ..... under section 12(6) of the *Bail Act* for variation/imposition of bail conditions.

Decision:

The condition(s) to be complied with by the accused in respect of the said bail shall now be as specified in Schedules I and II hereto.



\*Reasons: The conditions of bail were varied/imposed for the following reason(s):

Signature .....  
Magistrate

SCHEDULE I

**Conditions to be complied with before release on bail†**

To provide surety/sureties in the sum of /each to secure the accused's surrender to custody at the time and place appointed.

SCHEDULE II

**Conditions to be complied with after release on bail†**

† Insert condition(s) as appropriate (including in Schedule I directions under rule 7 in respect of any pre-release conditions).

\*Delete if section 8 of the *Bail Act 1996* does not apply.  
/ Delete whichever is inapplicable.

*(Rules 11, 14)*

FORM 31  
**Record of Decision to Withhold Bail**

**BAIL ACT**  
Cap. 122A

DISTRICT      MAGISTRATE'S COURT

Date:

Accused:

Date of Birth:

Alleged offence(s): *(short particulars and statute)*

Decision:            The court, having found that the exception(s) to the right to bail specified in the first column of the Schedule hereto applies/apply for the reason(s) specified in the second column of the Schedule, withholds bail.

The accused is remanded in custody/committed to custody for appearance before the District      Magistrate's Court/the High Court on            at            a.m./p.m./at the time and place for the time being appointed by that court.

Signature .....  
Magistrate

/ Delete whichever is inapplicable.

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Exception(s) to right to bail	Reason(s) for applying the exception(s) specified in first column
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(Rules 11, 14)

FORM 32  
Certificate as to Hearing of Full Argument on Application for Bail

**BAIL ACT**

Cap. 122A, ss. 7, 8, 9

DISTRICT MAGISTRATE'S COURT

Date:

Accused:

Date of Birth:

Alleged offence[s]: (*short particulars and statute*)

I hereby certify that,\*/ at a hearing this day, the court heard full argument on an application for bail made [by] [on behalf of] the accused, before refusing the application and remanding the accused in custody under section of the *Magistrate's Courts Act*.

\*/The court has not previously heard full argument on an application for bail by or on behalf of the accused in these proceedings.

\*/The court has previously heard full argument from the accused on an application for bail, but is satisfied [that there has been the following change in his circumstances:] [that the following new considerations have been placed before it:]

Signature .....

Magistrate

\*/ Delete whichever is inapplicable.