

**CRIMES (BAIL) AMENDMENT ACT, 1978,  
No. 166**

**New South Wales**



ANNO VICESIMO SEPTIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 166, 1978.**

An Act to amend the Crimes Act 1900, consequent upon the enactment of the Bail Act, 1978. [Assented to, 29th December, 1978.]

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*Crimes (Bail) Amendment.*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.     **1.** This Act may be cited as the "Crimes (Bail) Amendment Act, 1978".

Commence-     **2.** (1) This section and section 1 shall commence on the date  
ment.           of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Bail Act, 1978.

Principal     **3.** The Crimes Act 1900 is referred to in this Act as the  
Act.           Principal Act.

Schedules.    **4.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—SAVINGS AND TRANSITIONAL PROVISIONS.

Amendment    **5.** The Principal Act is amended in the manner set forth in  
of Act         Schedule 1.  
No. 40, 1900.

Savings and    **6.** Schedule 2 has effect.  
transitional  
provisions.

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*Crimes (Bail) Amendment.*

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SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 1—

Omit “Crimes Act 1900,” insert instead “Crimes Act, 1900”.

(2) Section 294—

After “instrument,” insert “or gives any bail undertaking, or enters into any agreement or makes any acknowledgment pursuant to a bail condition,”.

(3) Section 340—

Omit “may commit him, or admit him to bail,” insert instead “may, subject to the Bail Act, 1978, commit him”.

(4) (a) Section 365 (4) (c)—

After “may”, insert “, subject to the Bail Act, 1978, commit the accused person to prison or”.

(b) Section 365 (4) (c)—

Omit “as to admitting the accused person to bail and”.

(5) (a) Section 369—

Omit “, and of the accused and his sureties, if any,”.

(b) Section 369—

Omit “or be tried,”.

(6) Section 564—

Omit “of bail”.

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*Crimes (Bail) Amendment.*


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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (7) Section 565A—

After section 565, insert :—

Bail Act,  
1978, to  
prevail.

565A. The Bail Act, 1978, shall prevail to the extent of any inconsistency between that Act and this Act.

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## Sec. 6.

## SCHEDULE 2.

## SAVINGS AND TRANSITIONAL PROVISIONS.

## 1. In this Schedule—

“authorised” means duly authorised by a court or person;

“bail” means bail that was authorised or granted before the commencement of this Schedule, so far as it could not have been so authorised or granted if this Act had then been in force;

“recognizance of bail” means a recognizance that was authorised or entered into before the commencement of this Schedule, so far as it could not have been so authorised or entered into if this Act had then been in force.

2. This Act does not affect bail authorised or granted, or a recognizance of bail authorised or entered into, under the Principal Act before the commencement of this Schedule, and for the purposes of or for purposes connected with any such bail or recognizance of bail this Act and the Bail Act, 1978, shall be deemed not to have been enacted.

3. Nothing in clause 2 prevents the making of a decision under the Principal Act, as amended by this Act, or the Bail Act, 1978, or the exercise or performance of any power, authority, duty or function thereunder, in respect of an offence or other matter (or any proceedings in connection therewith) to or with which the bail or recognizance of bail referred to in that clause relates or is connected.

4. A committal of a person to prison under the Principal Act before the commencement of this Schedule shall, while the person remains there after that commencement, be deemed to have been effected under the Principal Act, as amended by this Act.

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*Crimes (Bail) Amendment.*

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SCHEDULE 2—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

5. The Governor may make regulations containing other provisions of a savings or transitional nature consequent upon the enactment of this Act, and those provisions may, but need not, operate by reference to any provision of the Bail Act, 1978, and shall have effect notwithstanding anything in clause 2, 3 or 4.

6. A reference in any other Act, or in any regulation, by-law or other statutory instrument or in any other document whether of the same or of a different kind, to the "Crimes Act 1900" or the "Crimes Act of 1900" shall be read and construed as a reference to the "Crimes Act, 1900," or, if that reference is not appropriate, to the "Crimes Act, 1900".

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 29th December, 1978.*

Act No. 100, 1933

Chapter (Title) Amendment

SECTION 2 - continued

Section 2 - continued

1. The Governor may make regulations regarding the enforcement of this Act and these regulations may be amended or repealed by resolution of any two-thirds of the Senate and shall have effect notwithstanding anything to the contrary in any law.

2. A resolution in any other Act or in any regulation passed or made by the Governor under this Act shall not be valid unless it is passed by a majority of two-thirds of the Senate and the Governor shall not be liable for any such resolution or regulation unless it is passed by a majority of two-thirds of the Senate.

In the name and in behalf of the people of the State of New York

A. R. CUTLER,  
Governor

Government House,  
Albany, New York, 1933







## **CRIMES (BAIL) AMENDMENT BILL, 1978**

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### **EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

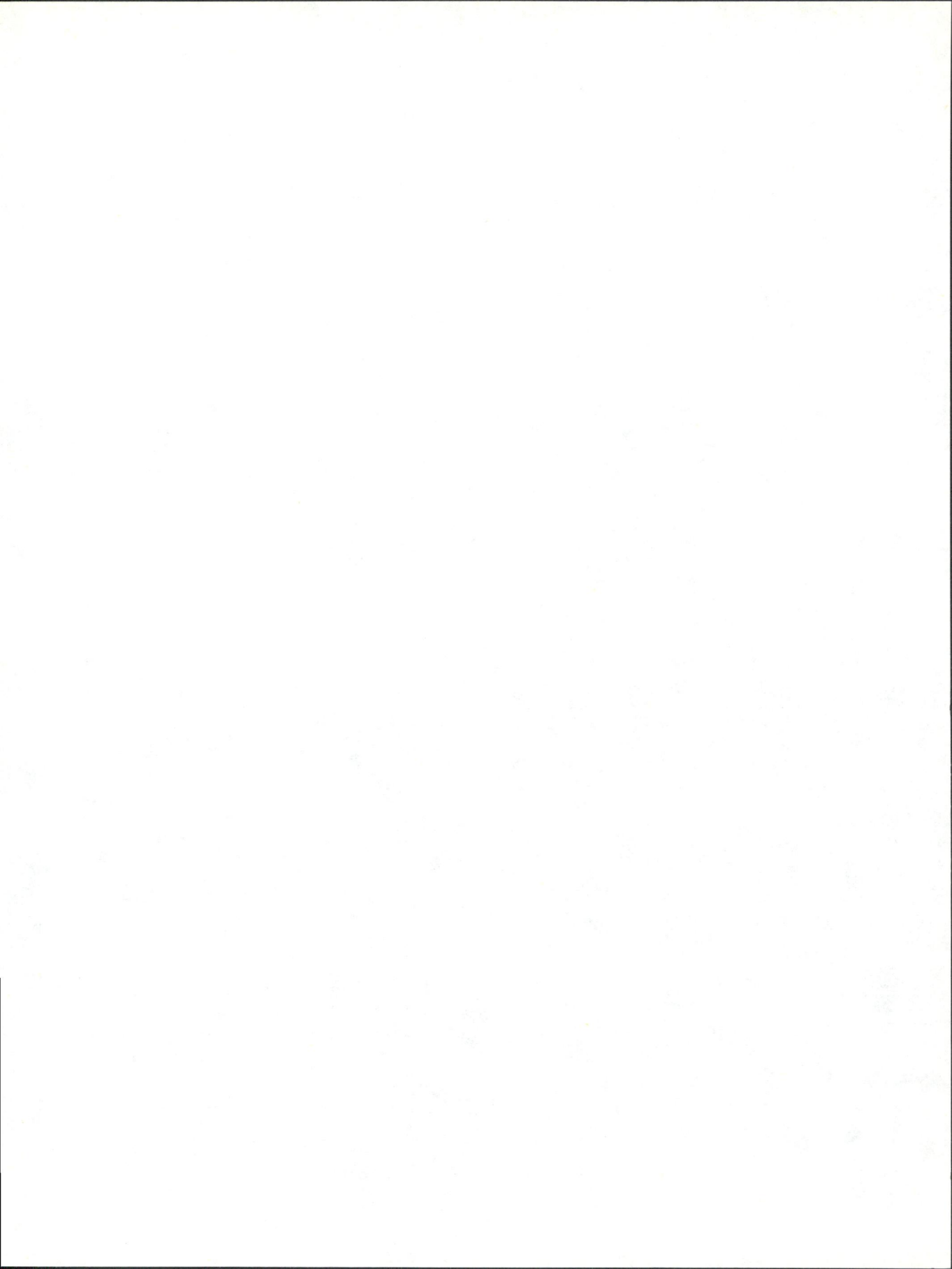
This Bill is cognate with the Bail Bill, 1978.

The object of this Bill is to make amendments to the Crimes Act 1900 ("the Principal Act"), so as to bring it into conformity with the proposed Bail Act, 1978 ("the Bail Act").

The Bill removes from the Principal Act authority to grant bail in the course of criminal proceedings to accused persons being dealt with under the Principal Act, leaving bail to be dealt with by the Bail Act. The procedures set out in the Principal Act are subject to the provisions of the Bail Act, and a section 565A is to be inserted to this effect (Schedule 1 (7)).

The Bill also—

- (a) makes it an offence to give a bail undertaking, enter a bail agreement or make a bail acknowledgment, in the name of another person (Schedule 1 (2));
  - (b) amends the short title of the Principal Act, so that it becomes the "Crimes Act, 1900" (Schedule 1 (1)); and
  - (c) contains other provisions of a minor, consequential or ancillary nature.
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**CRIMES (BAIL) AMENDMENT BILL, 1978**

No.           , 1978.

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**A BILL FOR**

An Act to amend the Crimes Act 1900, consequent upon the enactment of the Bail Act, 1978.

[MR F. J. WALKER—13 *December*, 1978.]

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*Crimes (Bail) Amendment.*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

- 5    1. This Act may be cited as the "Crimes (Bail) Amendment Act, 1978". Short title.
2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-  
ment.
- (2) Except as provided in subsection (1), this Act shall  
10 commence on the day appointed and notified under section 2 (2) of the Bail Act, 1978.
3. The Crimes Act 1900 is referred to in this Act as the Principal Act. Principal  
Act.
4. This Act contains the following Schedules :— Schedules.
- 15        SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.
- SCHEDULE 2.—SAVINGS AND TRANSITIONAL PROVISIONS.
5. The Principal Act is amended in the manner set forth in Schedule 1. Amendment  
of Act  
No. 40, 1900.
6. Schedule 2 has effect. Savings and  
transitional  
provisions.
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*Crimes (Bail) Amendment.*

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SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT.

- (1) Section 1—  
5 Omit “Crimes Act 1900,” insert instead “Crimes Act,  
1900”.
- (2) Section 294—  
After “instrument,” insert “or gives any bail undertaking,  
or enters into any agreement or makes any acknowledgment  
pursuant to a bail condition,”.
- 10 (3) Section 340—  
Omit “may commit him, or admit him to bail,” insert  
instead “may, subject to the Bail Act, 1978, commit him”.
- (4) (a) Section 365 (4) (c)—  
15 After “may,” insert “, subject to the Bail Act, 1978,  
commit the accused person to prison or”.
- (b) Section 365 (4) (c)—  
Omit “as to admitting the accused person to bail and”.
- (5) (a) Section 369—  
Omit “, and of the accused and his sureties, if any,”.
- 20 (b) Section 369—  
Omit “or be tried,”.
- (6) Section 564—  
Omit “of bail”.

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*Crimes (Bail) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(7) Section 565A—

After section 565, insert :—

- 5           565A. The Bail Act, 1978, shall prevail to the extent of Bail Act,  
1978, to  
prevail.  
any inconsistency between that Act and this Act.

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SCHEDULE 2.

Sec. 6.

SAVINGS AND TRANSITIONAL PROVISIONS.

1. In this Schedule—

- 10   “authorised” means duly authorised by a court or person;  
“bail” means bail that was authorised or granted before the commence-  
ment of this Schedule, so far as it could not have been so  
authorised or granted if this Act had then been in force;  
15   “recognizance of bail” means a recognizance that was authorised or  
entered into before the commencement of this Schedule, so far  
as it could not have been so authorised or entered into if this Act  
had then been in force.

2. This Act does not affect bail authorised or granted, or a recognizance  
of bail authorised or entered into, under the Principal Act before the  
20 commencement of this Schedule, and for the purposes of or for purposes  
connected with any such bail or recognizance of bail this Act and the Bail  
Act, 1978, shall be deemed not to have been enacted.

3. Nothing in clause 2 prevents the making of a decision under the  
Principal Act, as amended by this Act, or the Bail Act, 1978, or the  
25 exercise or performance of any power, authority, duty or function there-  
under, in respect of an offence or other matter (or any proceedings in  
connection therewith) to or with which the bail or recognizance of bail  
referred to in that clause relates or is connected.

4. A committal of a person to prison under the Principal Act before the  
30 commencement of this Schedule shall, while the person remains there after  
that commencement, be deemed to have been effected under the Principal  
Act, as amended by this Act.

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*Crimes (Bail) Amendment.*

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SCHEDULE 2—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

5. The Governor may make regulations containing other provisions of a savings or transitional nature consequent upon the enactment of this Act, and those provisions may, but need not, operate by reference to any provision of the Bail Act, 1978, and shall have effect notwithstanding anything in clause 2, 3 or 4.
6. A reference in any other Act, or in any regulation, by-law or other statutory instrument or in any other document whether of the same or of a different kind, to the "Crimes Act 1900" or the "Crimes Act of 1900" shall be read and construed as a reference to the "Crimes Act, 1900," or, if that reference is not appropriate, to the "Crimes Act, 1900".

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

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