

FIRST PRINT

## BAIL (AMENDMENT) BILL 1987

NEW SOUTH WALES



### EXPLANATORY NOTE

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

The object of this Bill is to amend the Bail Act 1978 so as to restrict the granting of bail by the Court of Criminal Appeal.

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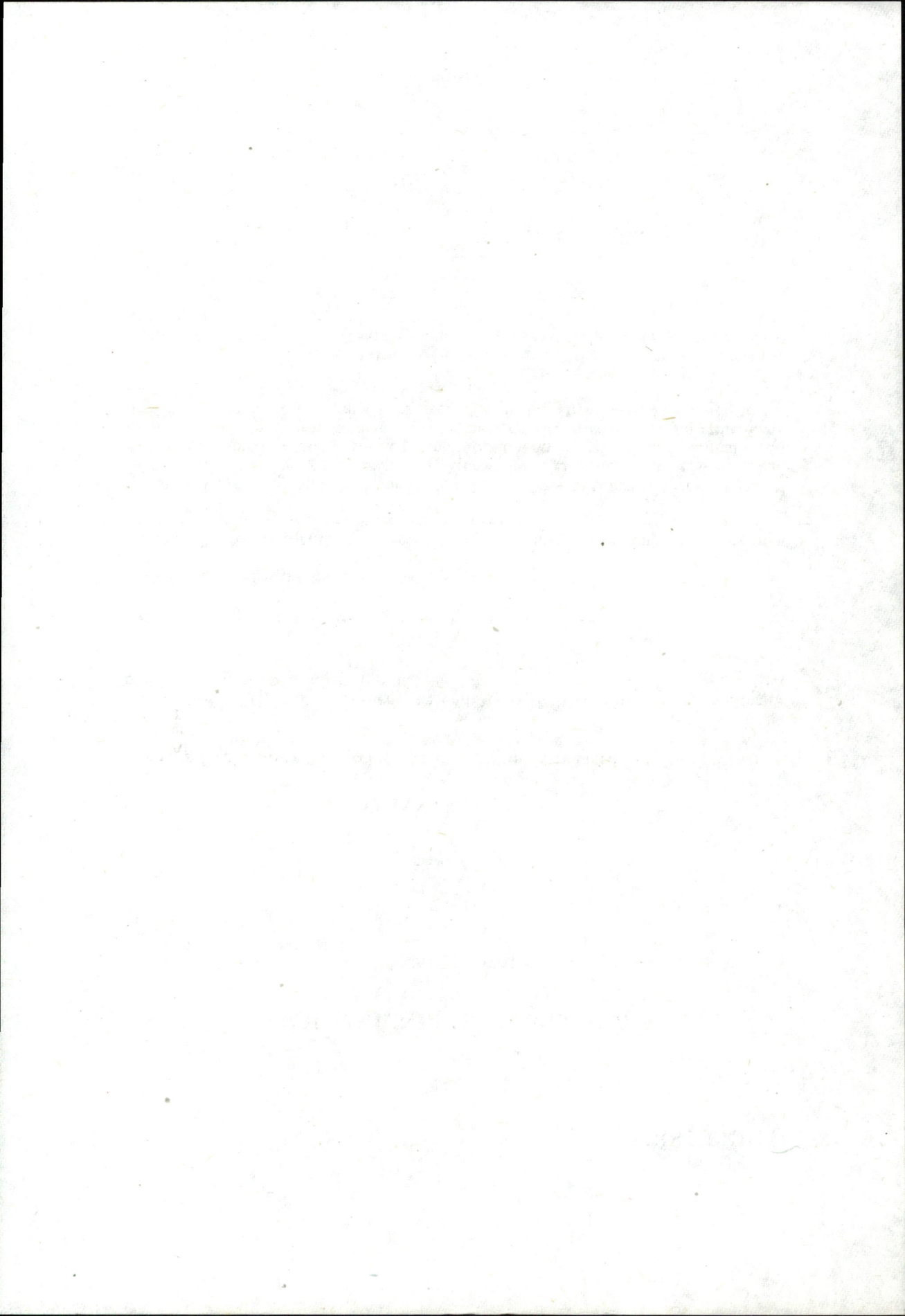
Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 amends section 30 of the Principal Act (Power of Court of Criminal Appeal to grant bail) to provide that, unless there are special or exceptional circumstances, bail will not be granted by the Court of Criminal Appeal if an appeal is pending in that Court against a conviction on indictment or a sentence passed on conviction on indictment, or where an appeal from that Court is pending in the High Court in relation to the firstmentioned appeal.

Clause 4 is a transitional provision which provides that the proposed amendment to section 30 extends to bail applied for (but as yet not granted) before the commencement of the proposed Act.

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# BAIL (AMENDMENT) BILL 1987

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
  2. Commencement
  3. Amendment of Act No. 161, 1978, sec. 30 (Power of Court of Criminal Appeal to grant bail)
  4. Transitional provision
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# BAIL (AMENDMENT) BILL 1987

NEW SOUTH WALES



No.           , 1987

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## A BILL FOR

An Act to amend the Bail Act 1978 in relation to the granting of bail by the Court of Criminal Appeal.

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*Bail (Amendment) 1987*

**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 Short title**

1. This Act may be cited as the "Bail (Amendment) Act 1987".

**Commencement**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.
- 10 (2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

**Amendment of Act No. 161, 1978, sec. 30 (Power of Court of Criminal Appeal to grant bail)**

- 15 3. The Bail Act 1978 is amended by inserting at the end of section 30 the following subsection:

(2) Notwithstanding anything in this Act, if—

(a) an appeal is pending in the Court of Criminal Appeal against—

20 (i) a conviction on indictment; or

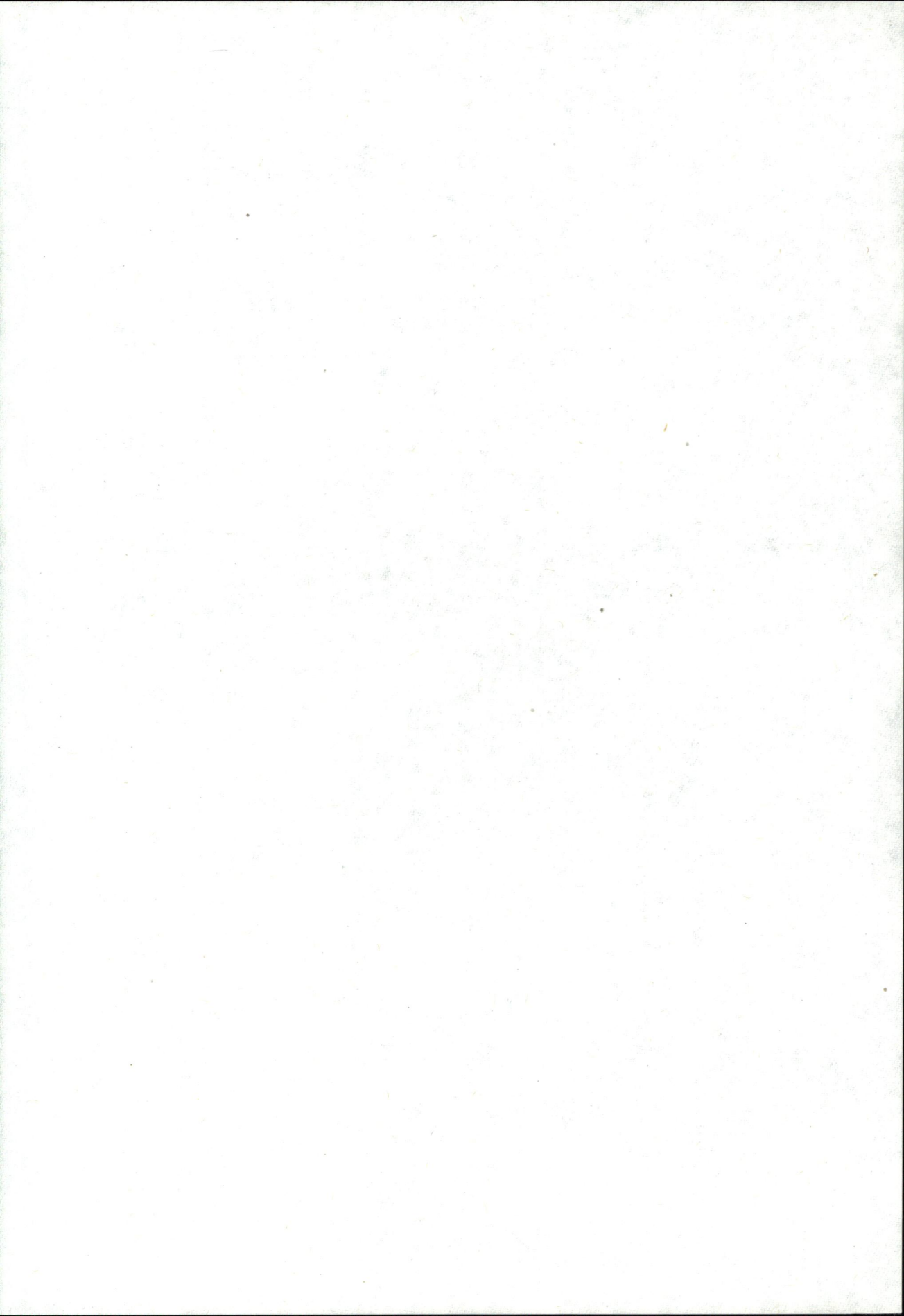
(ii) a sentence passed on conviction on indictment; or

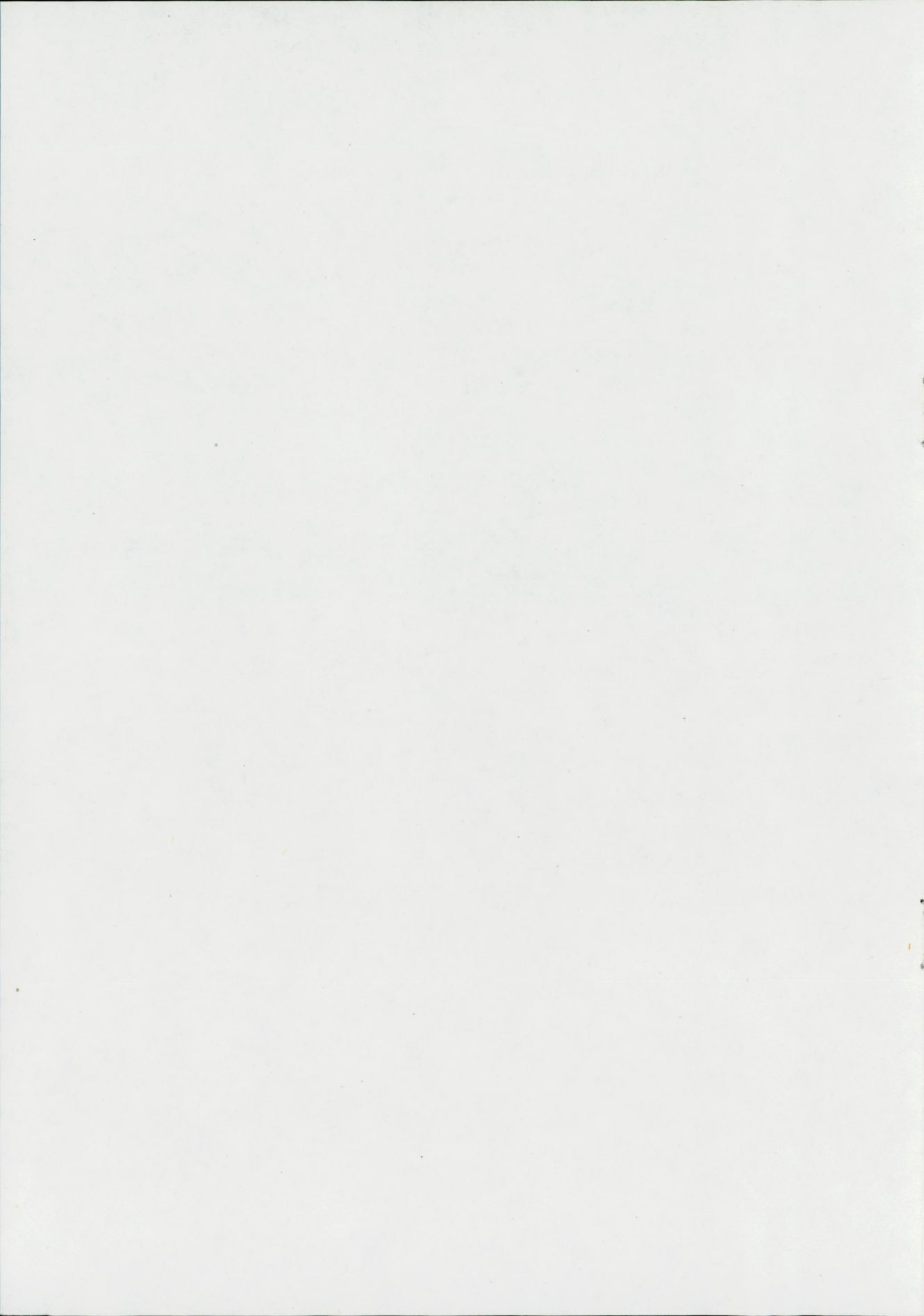
(b) an appeal from the Court of Criminal Appeal is pending in the High Court in relation to an appeal referred to in paragraph (a),

25 bail shall not be granted by the Court of Criminal Appeal unless it is established that special or exceptional circumstances exist justifying the grant of bail.

**Transitional provision**

- 30 4. Section 30 (2) of the Bail Act 1978 as amended by this Act extends to bail applied for before the commencement of this Act, unless the bail has been granted before that commencement.







# BAIL (AMENDMENT) ACT 1987 No. 43

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
  2. Commencement
  3. Amendment of Act No. 161, 1978, sec. 30 (Power of Court of Criminal Appeal to grant bail)
  4. Transitional provision
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1. The first part of the document is a list of names and addresses. The names are listed in the first column, and the addresses are listed in the second column. The names are:

2. The second part of the document is a list of names and addresses. The names are listed in the first column, and the addresses are listed in the second column. The names are:

3. The third part of the document is a list of names and addresses. The names are listed in the first column, and the addresses are listed in the second column. The names are:

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**BAIL (AMENDMENT) ACT 1987 No. 43**

NEW SOUTH WALES



**Act No. 43, 1987**

An Act to amend the Bail Act 1978 in relation to the granting of bail by the Court of Criminal Appeal. [Assented to 21 May 1987]

*Bail (Amendment) 1987*

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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 "Bail (Amendment) Act 1987".

**Commencement**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

- (2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

**Amendment of Act No. 161, 1978, sec. 30 (Power of Court of Criminal Appeal to grant bail)**

3. The Bail Act 1978 is amended by inserting at the end of section 30 the following subsection:

- (2) Notwithstanding anything in this Act, if—

- (a) an appeal is pending in the Court of Criminal Appeal against—

- (i) a conviction on indictment; or

- (ii) a sentence passed on conviction on indictment; or

- (b) an appeal from the Court of Criminal Appeal is pending in the High Court in relation to an appeal referred to in paragraph (a),

bail shall not be granted by the Court of Criminal Appeal unless it is established that special or exceptional circumstances exist justifying the grant of bail.

*Bail (Amendment) 1987*

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**Transitional provision**

4. Section 30 (2) of the Bail Act 1978 as amended by this Act extends to bail applied for before the commencement of this Act, unless the bail has been granted before that commencement.

