

**A BILL**  
ENTITLED

AN ACT to Make interim provision in relation to the grant of bail in specified circumstances.

WHEREAS sections 13 to 26 (inclusive) of the Constitution of Jamaica (hereinafter referred to as the Constitution) set out certain fundamental rights and freedoms of the individual, subject to limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest:

AND WHEREAS it is desirable for the protection of the rights of others or the public interest to introduce more stringent conditions regarding the grant of bail to persons charged with certain serious offences:

AND WHEREAS section 50 of the Constitution provides that an Act of Parliament to which that section applies (namely, one the Bill for which has been passed by both Houses and at the final vote thereon in each House has been supported by the votes of not less than two-thirds of all the members of that House) shall not be void to the extent of any inconsistency with the provisions of sections 13 to 26 (inclusive) of the Constitution but shall, notwithstanding any inconsistency, prevail over those provisions:

AND WHEREAS it is necessary and expedient that the provisions of this Act have effect notwithstanding any inconsistency with the provisions of sections 13 to 26 (inclusive) of the Constitution:

[ ]

NOW, THEREFORE, BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Jamaica in accordance with the provisions of section 50 of the Constitution of Jamaica, and by the authority of the same, as follows:-

**1. Short title.**

1. This Act may be cited as the Bail (Interim Provisions for Specified Offences) Act, 2008.

**2. Duration of this Act.**

2. This Act shall continue in force for a period of one year from the date of its commencement and shall then expire.

**3. Interim provisions in relation to the grant of bail.**

3.-(1) While this Act continues in force, the Bail Act shall be read and construed as if the following were inserted as section 3A of that Act-

**"Bail in relation to serious offences. Second Schedule.**

3A.-(1) A person who is charged with-

(a) any offence specified in paragraphs 1 to 6 of the Second Schedule; or

(b) any offence specified in paragraphs 7 to 11 of the Second Schedule and has, on a previous occasion been convicted of an offence specified in the Second Schedule, shall be entitled to be granted bail only if a period of sixty days, commencing on the date on which the person is first charged with that offence, has elapsed and the person satisfies the Court that bail should be granted.

(2) A person who is charged with any offence specified in paragraphs 7 to 11 of the Second Schedule and who has not, on a previous occasion, been charged with any offence specified in the Second Schedule, shall be entitled to be granted bail only if that person satisfies the Court that bail should be granted.

(3) In any case falling within subsection (1), upon the expiration of the sixty day period mentioned in that subsection, the procedure set out in section 22 shall apply in respect of that person."

## MEMORANDUM OF OBJECTS AND REASONS

A decision has been taken to temporarily provide in relation to the Bail Act that-

(a) a person who is charged with-

(i) any offence specified in paragraphs 1 to 6 of the Second Schedule to the Act; or

(ii) any offence specified in paragraphs 7 to 11 of the Second Schedule to the Act, and has a previous conviction for another offence specified in that Schedule,

shall be entitled to be granted bail only after the expiration of a period of sixty days commencing on the date on which the person is first charged, and only if the person satisfies the Court that bail should be granted; and

(b) a person charged with an offence specified in the Second Schedule to the Act and not having a previous conviction for any such offence, is entitled to be granted bail only if the person satisfies the Court that bail should be granted.

This Bill seeks to give effect to that decision and is a companion to other proposed legislation aimed at reducing crime.

The Bill expires after a period of one year from the date of its commencement.

DOROTHY C. LIGHTBOURNE, Q.C.  
Minister of Justice.