

Unvalidated References:
Bail Act 1977

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 340.

Bail Regulation 1977

ARRANGEMENT OF SECTIONS.

1. Bail certificate.
2. Bail of adjournment, etc.
3. Refusal to grant bail.
4. Certificate for guarantor.
5. Variation, etc., of bail.

SCHEDULE 1

Bail Regulation 1977

MADE under the *Bail Act 1977*.

Dated 200 .

1. BAIL CERTIFICATE.

(1) A bail certificate issued by—

- (a) the officer-in-charge of the police station where a person arrested for an offence is being held; or
- (b) a commissioned officer of the Police Force,

shall be in Form 1.

(2) A copy of the bail certificate shall be given to the person granted bail, or to his legal representative or other agent.

2. BAIL OF ADJOURNMENT, ETC.

(1) Where—

- (a) the court adjourns proceedings before conviction of a person; or
- (b) the court commits a person who is in custody for trial or sentence in the National Court; or
- (c) the court convicts a person but adjourns the proceedings before passing sentence; or
- (d) a person lodges an appeal against his conviction or sentence or both; or
- (e) the court hearing the appeal of a person adjourns proceedings,

and the court grants bail to that person, the bail certificate shall be in Form 2.

(2) A copy of the bail certificate shall be given to the person granted bail, or to his legal representative or other agent.

3. REFUSAL TO GRANT BAIL.

A certificate of refusal to grant bail shall be in Form 3.

4. CERTIFICATE FOR GUARANTOR.

A certificate for a guarantor of a person granted bail shall be in Form 4.

5. VARIATION, ETC., OF BAIL.

Any—

(a) variation of the terms and conditions of bail; or

(b) revocation of bail,

shall be endorsed by the court on the bail certificate.

SCHEDULE 1

PAPUA NEW GUINEA.

Bail Act 1977.

Form 1 – Bail Certificate.

Act, Sec. 5, 23.

Form 1.

Reg., Sec. 1.

To ... of ...

WHEREAS you have been charged with (*state nature of offence*) and you are required to be present at ... Court on ... 20...

This is to certify that you are entitled to bail on the following conditions:—

NOTE.—You are required to keep this certificate in your possession at all times.

Dated ... , 20...

*Officer-in-charge of Police Station.

*Commissioned Officer of the Police Force.

* Strike out whichever is inapplicable.

PERMIT TO LEAVE COUNTRY.

To

Notwithstanding the conditions on which bail was granted, you are hereby granted permission to leave the county on the following conditions:—

Dated ... , 20...

Judge of the ... Court.

PAPUA NEW GUINEA.

Bail Act 1977.

Form 2 – Bail Certificate.

Act, Secs. 7, 8, 10, 11, 12, 23. Form 2. Reg., Sec. 2.

To ... of...

WHEREAS you have been charged with (*state nature of offence*) and you are required to be present at Court on ... , 20 ..

This is to certify that you are entitled to bail—

- * on adjournment of proceedings before conviction;
- * after committal for trial or sentence;
- * after conviction and before sentence;
- * after lodging appeal;
- * during hearing of appeal,

on the following conditions:

Dated ... , 20...

Court.

* Place "X" in appropriate square.

NOTE.—You are required to keep this certificate in your possession at all times.

PERMIT TO LEAVE COUNTRY.

To

Notwithstanding the conditions on which bail was granted, you are hereby granted permission to leave the county on the following conditions:—

Dated ... , 20...

Judge of the ... Court.

PAPUA NEW GUINEA.

Bail Act 1977.

Form 4 – Certificate of Refusal to Grant Bail.

Act, Sec. 16. Form 3.

Reg, Sec. 3.

To ... of ...

WHEREAS you have been charged with (*state nature of offence*) and you are required to be present at ... Court on ... , 20... , and the Bail Authority is satisfied on the following grounds that—

- * you will not appear at your trial if granted bail;
- * the offence charged was committed while you were on bail; the offence you are charged with consists of—
 - * (a) a serious assault;
 - * (b) a threat of violence to another person;
 - * (c) having or possessing a firearm, imitation firearm, or other offensive weapon or explosives;
- * it appears you are likely to commit an indictable offence if you are not in custody;
- * it is necessary for your own protection for you to be in custody;
- * it appears you are likely to interfere with witnesses or with the person who instituted the proceedings;
- * the alleged offence involves property of substantial value which has not been recovered and it appears that if released you would make efforts to conceal or otherwise deal with the property,

you are refused bail.

Dated ... , 20...

Bail Authority.

* Place "X" in appropriate square.

PAPUA NEW GUINEA.

Bail Act 1977.

Form 4 – Certificate for Guarantor.

Act, Sec. 19. Form 4.

Reg., Sec. 4.

To *(guarantor)*

Bail has been granted to *(state name of person granted bail)* on the following conditions:—

The amount set for bail which you have paid/undertaken to pay* is K.

You have been approved as a guarantor to see that *(name of person granted bail)* appears at the time and place set for his appearance and complies with any condition of his bail.

If *(name of person granted bail)* fails to appear at that time and place, or to comply with any condition of bail, the amount set out above is liable to be forfeited.

Dated ... , 20...

Bail Authority.

* Strike out whichever is inapplicable.

Bail Regulation 1977