

BAIL (AMENDMENT) ACT 1987 No. 43

NEW SOUTH WALES



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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

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.

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.