



Isle of Man

Ellan Vannin

AT 2 of 1952

BAIL ACT 1952



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**Isle of Man***Ellan Vannin*

BAIL ACT 1952

<i>Received Royal Assent:</i>	<i>23 May 1952</i>
<i>Passed:</i>	<i>7 July 1952</i>
<i>Commenced:</i>	<i>7 July 1952</i>

AN ACT to consolidate and amend the law relating to bail.

1 Short title

This Act may be cited as the Bail Act, 1952, and this Act and the Criminal Law Acts, 1872 to 1946, may be together cited as the Criminal Law Acts, 1872 to 1952, and shall be construed as one.

2 Bail in offences triable by a Court of Summary Jurisdiction

Where any person is charged with any offence before a Court of Summary Jurisdiction, the Court which is trying the charge, if it shall see fit, or if it shall refuse to do so, one of the Judges of the High Court of Justice, if he shall see fit, may, at any time, admit such accused person to bail by recognizance, with or without a surety or sureties, conditioned that he will appear at the time and place when and where the charge is to be further inquired into, or when or where he is to be tried for such offence, and that he will surrender and take his trial, and will not depart the court without leave.

3 Bail in offences triable on information

(1) Where any person is charged with an offence triable on information before a justice or justices of the peace, the justice or justices, if he or they shall see fit, may, at any time, admit such accused person to bail by recognizance, with or without a surety or sureties, conditioned that he will appear at the time and place when or where the charge is to be further inquired into, or when or where he is to be tried, for such offence, and that he will surrender and take his trial, and will not depart the court without leave.

(2) [Repealed]¹

- (3) Where any person is charged with an offence triable on information before a justice or justices of the peace, one of the judges of the High Court may, at any time (whether the justice or justices has or have refused to do so or not) admit such accused person to bail by recognizance with or without a surety or sureties, conditioned that he will appear at the time and place when or where the charge is to be further inquired into, or when or where he is to be tried for such offence, and that he will surrender and take his trial, and will not depart the court without leave.²

3A Conditions for bail

- (1) A court may require a person to comply, before release on bail or later, with such requirements as appear to the court to be necessary to secure that —
- (a) he surrenders to custody;
 - (b) he does not commit an offence while on bail;
 - (c) he does not interfere with witnesses or otherwise obstruct the course of justice whether in relation to himself or any other person;
 - (d) he makes himself available for the purpose of enabling inquiries or a report to be made to assist the court in dealing with him for the offences.
- (2) If it appears to the court that a person who is to be released on bail is unlikely to remain in the Isle of Man until the time appointed to him to surrender to custody, that person may be required, before release on bail, to give security for his surrender to custody.³

4 Continuous bail

[E1914/19]

Where a person is remanded on bail, the recognizance may be conditioned for his appearance at every time or place to which during the course of the proceedings the hearing may be from time to time adjourned, without prejudice, however, to the power of the court to vary the order at any subsequent hearing.

5 Notice of right to apply for bail

[E1914/23]

Where a court of summary jurisdiction commits a person charged with any felony or misdemeanour for trial and does not admit him to bail the court shall inform the person accused of his right to apply for bail to a judge of the High Court of Justice.

6 Mode of entering into recognizances

[E1914/24]

Where as a condition of the release of any person he is required to enter into a recognizance with a surety or sureties, the recognizances of the surety or sureties may be taken separately and either before or after the recognizances of the principal, and if so taken the recognizances of the principal and surety or sureties shall be as binding as if they had been taken together and at the same time.

7 Recognizances taken out of Court

[M1927/21]

- (1) When any court has fixed, as respects any recognizance, the amount in which the principal and the surety or sureties (if any) is or are to be bound, the recognizance, notwithstanding anything in this or any other Act, may be entered into before such court, or may be entered into by the parties before any other court, or before the Chief Registrar or the clerk to a Court of General Gaol Delivery or a court of summary jurisdiction, or before a superintendent or inspector or sergeant of police or other officer of police of equal or superior rank or in charge of any police station, or before such other person as the court may direct, or where any of the parties are in prison, before the gaoler or other keeper of such prison; and thereupon all the consequences of the law shall ensue, and the provisions of this Act with respect to recognizances taken before a court shall apply, as if the recognizance had been entered into before the said court.⁴
- (2) For the purposes of this section the expression "Court" means the High Court of Justice, the Court of General Gaol Delivery, a court of summary jurisdiction, a justice or justices of the peace.⁵

8 Recognizances of prisoners may be taken before any justice

[M1927/22]

In any case of an offence triable on information, where a person is imprisoned until he, with or without a surety or sureties, may enter into a recognizance, such recognizance may be taken by and before any justice or authorised person, and it shall be lawful for the gaoler or other person having charge of the prisoner to convey the prisoner to a justice or other authorised person for the purpose of having the recognizance taken. This section shall have effect notwithstanding that in the order of committal it may be directed that the recognizance be taken in the General Registry.⁶

9 Recognizances taken elsewhere than General Registry to be lodged at General Registry⁷

[M1927/2]

In any case of an offence triable on information, where any recognizance is taken elsewhere than at the General Registry, it shall be the duty of the gaoler, or other person having charge of the prisoner, forthwith to cause such recognizance to be lodged in the General Registry.⁸

10 Copy of bail bond to be sent to the Attorney General

[M1927/24]

When any person committed for trial to the Court of General Gaol Delivery is released on bail, a copy of the bail bond shall forthwith be sent to the Attorney General by the clerk of the court by which bail was granted or, in the case of bail granted by a judge of the High Court, by the Chief Registrar.⁹

11 [Repealed]¹⁰

12 Bail on arrest

(1) Where a person has been granted bail under Part IV of the *Police Powers and Procedures Act 1998* subject to a duty to appear before a court of summary jurisdiction, the court before which he is to appear may appoint a later time as the time at which he is to appear and may enlarge the recognizances of any sureties for him at that time.

(2) The recognizance of any surety for any person granted bail subject to a duty to attend at a police station may be enforced as if it were conditioned for his appearance before a court of summary jurisdiction.¹¹

13 Persons admitted to bail who may be about to abscond may be arrested

[M1927/26]

Whenever any person charged with any offence triable on information shall have been bailed, it shall be lawful for one of the judges of the High Court of Justice, if he shall see fit, upon application of the surety or either of the sureties of such person, and upon complaint being made in writing and upon oath by such surety, or by some person on his behalf, that the person bailed is about to abscond for the purpose of evading justice, to issue his warrant for the arrest of such person so bailed, and afterwards, upon being satisfied that the ends of justice would otherwise be defeated, to commit such person when so arrested to gaol, until trial, or until he shall produce other sufficient surety, as the case may be, in like manner as before.

14 Bail by Staff of Government Division

- (1) The Staff of Government Division may, if it sees fit, on the application of the appellant, admit the appellant to bail pending the determination of an appeal under Part IX of the *Summary Jurisdiction Act 1989*.¹²
- (2) The power of the Staff of Government Division under subsection (1) may be exercised by any judge of the High Court in the same manner as it may be exercised by that Division and subject to the same provisions.¹³

15 Forfeited recognizances for bail

- (1) Where by a recognizance —
 - (a) a person who is charged with an offence (hereinafter called “**the principal party**”) binds himself to perform the following obligation, namely that he will appear before a court at the time and place when and where the said charge will be enquired into or further enquired into, or when or where he is to be tried for such offence, and that he will surrender and take his trial, and will not depart the court without leave; and
 - (b) the principal party either alone, or together with any other person or persons (each such other person being hereinafter called “**the surety**”) acknowledges himself, or severally acknowledge themselves, bound to forfeit to the Crown the sum, or the several sums, stated in the said recognizance, in case the principal party fails to performs the said obligation (the bond of the principal party being hereinafter called “**the principal party’s bond**” and the bond of the surety being hereinafter called “**the surety’s bond**”);

and the principal party fails to perform the said obligation, the court shall inquire into the circumstances of the case, and, at its discretion, may do any one or more of the following, namely:

- (i) order the discharge of the forfeited principal party’s bond;
- (ii) order the discharge of the forfeited surety’s bond (or where there are two or more sureties each forfeited surety’s bond);
- (iii) declare that the recognizance of the principal party’s bond be forfeited;¹⁴
- (iv) declare that the recognizance of the surety’s bond (or, where there are 2 or more sureties, each surety’s bond) be forfeited;¹⁵

and all sums paid in respect of a recognizance so declared to be forfeited shall be applied as fines imposed by the court.¹⁶

- (2) For the purposes of this section, the word “court” means the High Court or the Court of General Gaol Delivery.¹⁷

16 [Repealed]¹⁸

17 [Repealed]¹⁹

18 Commencement of Act

This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys.

SCHEDULE^{E20}

ENDNOTES

Table of Endnote References

- ¹ Subs (2) repealed by Coroner of Inquests Act 1987 Sch 2.
- ² Subs (3) amended by Coroner of Inquests Act 1987 Sch 2.
- ³ S 3A inserted by Criminal Justice Act 1991 Sch 4.
- ⁴ Subs (1) amended by Criminal Justice Act 1991 Sch 4 and by Law Reform Act 1997 Sch 5.
- ⁵ Subs (2) amended by Coroners of Inquests Act 1987 Sch 2.
- ⁶ S 8 amended by Central Registry Act 2018 Sch.
- ⁷ S 9 heading amended by Central registry Act 2018 Sch.
- ⁸ S 9 amended by Central Registry Act 2018 Sch.
- ⁹ S 10 amended by Law Reform Act 1997 Sch 5.
- ¹⁰ S 11 repealed by Police Powers and Procedures Act 1998 s 51.
- ¹¹ S 12 substituted by Police Powers and Procedures Act 1998 s 51.
- ¹² Subs (1) amended by Criminal Jurisdiction Act 1993 Sch 3.
- ¹³ S 14 substituted by High Court Act 1991 Sch 3.
- ¹⁴ Subpara (iii) substituted by Collection of Fines etc. Act 1985 Sch 1.
- ¹⁵ Subpara (iv) substituted by Collection of Fines etc. Act 1985 Sch 1.
- ¹⁶ Para (b) amended by Collection of Fines etc. Act 1985 Sch 1.
- ¹⁷ Subs (2) amended by Summary Jurisdiction Act 1989 Sch 6 and by High Court Act 1991 Sch 5.
- ¹⁸ S 16 repealed by Summary Jurisdiction Act 1989 Sch 6.
- ¹⁹ S 17 repealed by Statute Law Revision Act 1983 Sch 2.
- ²⁰ Sch repealed by Statute Law Revision Act 1983 Sch 2.