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CITIZEN CORNER

A QUARTERLY CIRCULAR BY POLICE CIVILIAN OVERSIGHT AUTHORITY

'THREE MAJOR CHANGES IN THE NEW BAIL ACT'

The New Bail Act of 2023 has brought in a number of changes that the public may not be familiar with. Below, we will look at three of the major changes brought about by the New Act that have replaced what used to obtain in the Old Bail Act of 2000.

Bail to Uncharged People

In the Old Bail Act, once bail was being considered, it meant that a person had been charged. However, under the New Bail Act, bail must be considered both charged and uncharged people alike. If bail is denied, then an uncharged person must be brought before a Parish Court Judge within 48 hours after bail has been denied.

Increased Length of Remands

The **Old Bail Act** declared that a person who was charged with an offence should not be held in custody than **24 hours** without bail being considered. But in the **New Bail Act**, that length of time has now been extended to **48 hours**.

To make this clear, in the past, a person could be held in police

custody for a maximum of 24 hours, after which a JP could order the remand of that individual for a maximum of 24 hours. That would amount to **48 hours or two (2) days** in total in police custody before an uncharged person could get the chance to appear



Detainee behind bars

before a Judge.

Now, a person can be held in police custody for a maximum of 48 hours, after which a JP may order the remand of that individual for a maximum of 48 hours within which they must see a Judge. This means that an uncharged person could be in police custody for up to **96 hours or four (4) days** before the law requires that they appear before a Judge!

The Offence determines the Next Step

In the past the type of offence did not play as great a role in determining how a person held in custody would be dealt with.

In the New Act, if an uncharged person is held, on reasonable suspicion, for an offence found in **Part I of the First Schedule of the Bail Act**, bail must be considered within 48 hours by a JP or a JCF member of the rank of Superintendent or above. If bail is denied, then an uncharged person must be brought before a Parish Court Judge within 48 hours after bail being denied.

However, if an uncharged person is arrested, on reasonable suspicion, for an offence that is **NOT** found in **Part I of the First Schedule of the Bail Act**, and they remain uncharged after 48 hours, then that person must be released from police custody.

Conclusion

Parliament continues to pass laws aimed at striking the balance between the rights of the citizen and the Government's role to protect citizens from actual or potential law breakers.

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