

THE BAIL (AMENDMENT) BILL
(No. XXI of 2004)

Explanatory Memorandum

The main object of this Bill is to amend the Bail Act in order to provide that

—

- (a) it will no longer be mandatory for a person charged with less serious offences under the Dangerous Drugs Act, like smoking or consuming a dangerous drug, to furnish a surety for his release on bail, or to subscribe to recognisance in money or money's worth;
- (b) a person released on bail in respect of these and certain other offences shall not be liable to pay court fees or costs.

16 July 2004

P.R. BÉRENGER
*Prime Minister, Minister of
Defence and Home Affairs*

THE BAIL (AMENDMENT) BILL
(No. XXI of 2004)

ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Section 2 of principal Act amended
4. Section 5 of principal Act amended

A BILL

To amend the Bail Act

ENACTED by the Parliament of Mauritius, as follows -

1. Short title

This Act may be cited as the Bail (Amendment) Act 2004.

2. Interpretation

In this act -

"principal Act" means the Bail Act.

3. Section 2 of principal Act amended

Section 2 of the principal Act is amended, in the definition of the expression "serious offence", by deleting paragraph (b) and replacing it by the following –

- (b) an offence under any of the provisions of the Dangerous Drugs Act other than section 34.

4. Section 5 of principal Act amended

Section 5 of the principal Act is amended by adding after subsection (4), the following new subsection –

(5) No detainee or defendant shall, in respect of the provision of recognizance or security for his release on bail for –

- (a) an offence under section 34 of the Dangerous Drugs Act;
or
- (b) an offence punishable by any fine not exceeding 10,000 rupees or any term of imprisonment not exceeding 2 years or by such a fine and term of imprisonment,

be liable to pay any sum under any enactment relating to court fees or costs.