

## **8. Defendant to be given prescribed forms**

- (1) Subject to subsection (4), a judicial officer or authorized officer who is called upon to consider a defendant's case for bail, on the first occasion when it arises in relation to an offence or group of offences for which a defendant is required to appear, shall ensure that the defendant is, or has been, given —
  - (a) such information in writing as to the effect of this Act as is prescribed for the purposes of this paragraph;
  - (b) a prescribed form for completion, designed to disclose to the judicial officer or authorized officer all information relevant to the decision; and
  - (c) where the defendant is unable or insufficiently able, to read, speak or write English, such assistance as he may reasonably require in order to have communicated to him the information mentioned in paragraph (a) and complete the form referred to in paragraph (b).
- (2) After a defendant's case for bail has been considered once, a judicial officer or authorized officer on any subsequent consideration of bail in the same case shall —
  - (a) comply with paragraph (a) of subsection (1); and
  - (b) either comply with paragraph (b) of subsection (1) or obtain the form previously completed for the purposes of that paragraph, if any, and ensure that —
    - (i) the form is revised in order to show any changes which he is informed have occurred since it was completed; and
    - (ii) any assistance, of the kind referred to in subsection (1) (c) is given to the defendant for the purpose of completing or revising the form, as the case may be.
- (3) Nothing in this section shall be read as limiting section 23.
- (3a) Notwithstanding paragraph (a) of subsection (1) or (2) a judicial officer or authorized officer need not comply with that paragraph if it appears to him that the defendant's case for bail is such that bail is likely to be granted to him in accordance with this Act; but if it subsequently appears to him that bail will not be granted or that the defendant is dissatisfied with any condition imposed on the grant of bail he shall then comply with that paragraph.
- (4) Notwithstanding paragraph (b) of subsection (1) or (2), a judicial officer or an authorized officer may dispense with completion or revision of the form referred to in those paragraphs if it appears to him that —
  - (a) the defendant's case for bail is such that bail is likely to be granted to him in accordance with this Act; and
  - (b) the information in the possession of the judicial officer or authorized officer is sufficient for his consideration of the case.
- (5) Where a person has applied for bail for an appeal as mentioned in section 7A (1), this section applies as if the consideration of bail for the appeal were a first consideration of bail for an offence.

*[Section 8 amended by No. 74 of 1984 s.6; No. 15 of 1988 s.6; No. 33 of 1989 s.18.]*