

**35. Meaning of surety and surety undertaking**

- (1) A surety is a person who, as a condition of the grant of bail to an accused, enters into a surety undertaking, that is to say, undertakes in writing that he will, subject to this Act, forfeit a specified amount of money if the accused fails to comply with any requirement of his bail undertaking mentioned in section 28(2)(a) and (b)(ii).
- (2) A surety is required to be approved under section 40.
- (3) A forfeiture of money by a surety as mentioned in subsection (1) is enforceable as provided in section 49 but not otherwise.

*[Section 35 amended by No. 84 of 2004 s. 82.]*