

20. Power to consider bail *in camera* and to prohibit publication

- (1) On the consideration by a judicial officer of a case for bail of a defendant who is charged with an offence triable by jury, the judicial officer may, to avoid prejudice to either party, exercise the powers described in subsection (2), but shall only exercise the power in paragraph (b) thereof if he considers that the exercise of the power in paragraph (a) is not, on its own, likely to be sufficient to avoid prejudice.
- (2) The powers referred to in subsection (1) are to order —
 - (a) that no report, or summary, of any statement, or of any specified statement, made or furnished at the hearing shall be published by any means;
 - (b) that the bail application be heard *in camera*.
- (3) Where an order is made under subsection (2)(a), no report, or summary, of any statement referred to in that paragraph shall be published by any means —
 - (a) if the offence is one that may be tried on indictment, before a court decides that it is to be tried on indictment;
 - (b) if the defendant is discharged from further proceedings upon the complaint or indictment brought against him for the offence, before he is so discharged; or
 - (c) if the defendant is tried on indictment for the offence, before the trial is ended.
- (4) A person who, except with lawful excuse, fails to comply with an order made under this section commits an offence.

Penalty: \$1 000.

[Section 20 amended by No. 50 of 2003 s. 37(2); No. 4 of 2004 s. 58.]