

**5. Right of defendant to have bail considered under this Act**

- (1) A defendant who is in custody for an offence awaiting his initial appearance in court therefor is entitled —
  - (a) subject to sections 9, 10, 12 and 16(2), to have his case for bail for that appearance considered under and in accordance with this Act as soon as is practicable;
  - (b) if his case is not so considered, or if he is refused bail or is not released on bail, to be brought before a court as soon as is practicable.
- (2) A defendant who is in custody awaiting any appearance in court for an offence, other than an initial appearance, is entitled, subject to sections 7(3), 9 and 10, to have his case for bail for that appearance considered under and in accordance with this Act.

*[Section 5 amended by No. 74 of 1984 s. 4.]*