

6. Duty imposed on arresting officer or person

- (1) The police officer or other person who arrests a person for an offence has a duty —
- (a) if he is empowered by this Act to grant bail; and
 - (b) unless, as soon as is practicable, he brings the person or causes him to be brought before a court,

to consider that person's case for bail as soon as is practicable, whether or not an application for bail is made by the person or on his behalf.

- (2) If that police officer or that other person is not so empowered he shall, subject to subsections (3) and (3a) and unless he brings the person or causes him to be brought before a court as soon as is practicable, bring or cause the accused to be brought before an authorised police officer or a justice or, in the case of a child, any authorised officer or a justice, as soon as is practicable, and thereupon —
- (a) such officer is subject to the duty described in subsection (1); or
 - (b) if the accused is brought before a justice, the justice is under a duty to consider the person's case for bail as soon as is practicable, whether or not an application for bail is made by the person or on his behalf.

- (2a) A police officer or other person who arrests a person for an offence may, notwithstanding that he is empowered by this Act to grant bail, instead of complying with subsection (1) comply with subsection (2) as if he were not so empowered.

- (3) Where under section 15 or 16 only a Judge of the Supreme Court, a Judge of the Children's Court or a justice has power to grant bail for an offence, the police officer or other person who arrests a person for an offence shall —
- (a) unless, as soon as is practicable, he brings the person or causes him to be brought before a court; and
 - (b) whether or not an application for bail is made by the person or on his behalf,

bring or cause the accused to be brought as soon as is practicable —

- (c) where section 15 applies, before a Judge of the Supreme Court or a Judge of the Children's Court, as the case may require; or
- (d) where section 16 applies, before a justice,

for the purpose of having the accused's case for bail considered by the Judge, or the justice acting in terms of subsection (2)(b), as the case may be.

- (3a) Where section 16A applies, the police officer or other person who arrests a person for an offence shall as soon as is practicable bring the accused, or cause the accused to be brought, before a court or Judge mentioned in subsection (1) of that section for the purpose of having the accused's case for bail considered by that court or Judge.

- (4) The operation of this section is subject to the exercise of the power conferred by section 9 and to the provisions of sections 10, 12 and 16(2) and clause 3A of Part C of Schedule 1.

[Section 6 amended by No. 15 of 1988 s. 5; No. 49 of 1988 s. 79; No. 45 of 1993 s. 5; No. 54 of 1998 s. 5; No. 84 of 2004 s. 82.]