

**51. Offence to fail to comply with bail undertaking**

- (1) A defendant who, without reasonable cause, fails to comply with the requirement of his bail undertaking mentioned in section 28(2)(a) commits an offence.
- (2) A defendant who fails to comply with the requirement of his bail undertaking mentioned in section 28(2)(b)(ii) commits an offence.
- (2a) A defendant —
  - (a) whose bail undertaking includes any condition imposed for a purpose mentioned in clause 2(2)(c) or (d) of Part D of Schedule 1; and
  - (b) who fails to comply with the condition,commits an offence.
- (3) Notwithstanding section 140 of the *Justices Act 1902*, a defendant shall not be convicted in his absence of an offence against this section.
- (4) A defendant who is charged with an offence against subsection (1) or (2) may be convicted of the other of those offences if that other offence is proved by the evidence.
- (5) A prosecution for an offence against subsection (1), (2) or (2a) may be brought at any time.
- (6) A person who is convicted of an offence against subsection (1), (2) or (2a) is liable to a fine not exceeding \$10 000 or imprisonment for a term not exceeding 3 years, or both.
- (7) A court which convicts a defendant of an offence against this section may, in addition to any penalty which it may impose, order that the defendant pay such sum as it may fix in or towards defraying the costs and expenses of and consequent upon his apprehension following the failure to comply with his bail undertaking for which he was convicted.
- (8) An order made under subsection (7) —
  - (a) shall specify to whom and in what manner the sum shall be paid; and
  - (b) may be enforced as though the sum were a penalty imposed under this section.

*[Section 51 amended by No. 54 of 1998 s. 9.]*