

**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.]*