

## **PRACTICE DIRECTION**

### **APPROVED SURETY REQUIREMENTS ON APPLICATIONS FOR BAIL**

**Issued by the Chief Justice after consultation with the Justices of the Criminal Division**

#### **Introduction**

This practice direction is intended to provide guidance to applicants as to the administrative requirements for the approval of Sureties in bail applications before the Magistrates Court and the Supreme Court.

#### **Administrative requirements**

- [1.] Approved sureties must:
  - (a) provide proper identification by Passport or Voters Card;
  - (b) not have been previously convicted or themselves presently be on bail before the Court;
  - (c) not currently be standing as surety for any other accused person;
  - (d) demonstrate proximity, whether in point of kinship, place of residence or otherwise, to the person for whom he is to be a surety; and
  - (e) have been in full-time employment for a period of at least 2 years or, if self-employed, must produce a current business license and adequate bank records.
- [2.] Where bail is granted in a sum of less than \$10,000 the bond may be secured by recent valid job letters issued to each of the sureties and addressed to the Court and proper identification.
- [3.] Where bail is granted in an amount in excess \$10,000 the following requirements must be satisfied:
  - (1) A deposit of real estate title documents in the name of at least one surety to the value of the bail amount and the execution of a Memorandum of Deposit in the form set out in Annex A; or
  - (2) The provision of a bond/letter of guarantee issued by a recognized financial institution in the bail amount in the name of one or more of the sureties in the form set out in Annex B.

(3) Any additional surety which may be required by the Court must provide a recent valid recent job letter addressed to the Court and proper identification.

A judge retains the discretion to adjust these requirements but will do so only in exceptional circumstances and will formally state his or her reasons for so doing.

A handwritten signature in black ink, appearing to read 'I. R. Winder', written in a cursive style.

Sir Ian R. Winder  
Chief Justice

6 February 2024

**ANNEX A**

**MEMORANDUM OF DEPOSIT OF TITLE DEEDS**

THIS MEMORANDUM is executed this        day of                    20    by [Name of Surety(ies)] (the Surety) (which expression shall include his/her heirs, legal representatives, executors, administrators, successors and assigns), in favor The Supreme Court/The Magistrate Court (the Court) in respect of the property mentioned hereunder to create a security for the Bond entered into by the Surety with respect to the Bail of [Name of the Accused](the Accused).

The Surety has today deposited the following document(s) of title deeds relating to their property listed hereunder with the Court with an intent to create a Security in favour of the Court over the property to which the document(s) relate for the purpose of securing the Bond entered into with the Court to secure the Bail of the Accused.

The Surety further declares that the document(s) deposited were in his/her possession and control and that the property is not charged or encumbered in any way whatsoever.

**LIST OF DOCUMENTS OF TITLE**

Recorded Reference	Date of Document	Name of Document	Parties to Document From	To
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**DESCRIPTION OF PROPERTY**

All the piece and parcel of land .....

IN WITNESS WHEREOF THE SURETY has subscribed their signatures at [\*\*\*\*\*] on the day, month and year first above mentioned

\_\_\_\_\_

In the presence of:

\_\_\_\_\_

**ANNEX B**

**BOND FOR SECURITY FOR BAIL**

WHEREAS [Name of Accused] (the Accused) is charged before the Supreme Court/Magistrate Court for the offence(s) of: [Insert offences charged and relevant Case #].

AND WHEREAS Bail was granted to the Accused in the sum of [\*\*\*\*\*] (the Bail Sum) by [Name of Judicial Officer and Name of Court].

AND WHEREAS security in the form of a bond/letter of guarantee issued by a recognized financial institution is required to secure the recognisances entered into by the accused and his surety, [Name of Surety](the Surety) as a term of the Bail.

AND WHEREAS (Name of Bank and Branch Location) at the request of the Surety have agreed to enter into this obligation on their behalf and is liable to the Court in the Bail Sum.

NOW the condition of this obligation is such, that if the Court orders the forfeiture of the Bail, the said bank shall pay into the Court such sums which may be ordered to be paid up to the amount of the Bail Sum.

Signed, sealed and delivered in the presence of

Authorized signatory of Bank

(Seal)

Dated this                    day of ,                    20