



New South Wales

# Bail Amendment Regulation 2014

under the

Bail Act 2013

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Bail Act 2013*.

GREG SMITH, MP  
Attorney General

## Explanatory note

The object of this Regulation is to update the *Bail Regulation 2014* in light of changes made to the *Bail Act 2013* by the *Bail (Consequential Amendments) Act 2014*.

The Regulation:

- (a) makes provision for the making and recording of decisions about who is an acceptable person to enter into a bail security agreement, and
- (b) requires an application for discharge of liability under a bail security agreement to be made in an approved form.

This Regulation is made under the *Bail Act 2013*, including sections 26 and 98 (as amended by the *Bail (Consequential Amendments) Act 2014*).

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### **1 Name of Regulation**

This Regulation is the *Bail Amendment Regulation 2014*.

### **2 Commencement**

This Regulation commences on 20 May 2014 and is required to be published on the NSW legislation website.

## **Schedule 1 Amendment of Bail Regulation 2014**

### **[1] Clause 7 Particulars of orders in bail decisions**

Omit clause 7 (4) (c) (ii). Insert instead:

- (ii) the person or persons, or the class or description of persons, acceptable for the purposes of a bail condition that requires entry into a security agreement, and the number of acceptable persons required for those purposes, and

### **[2] Clause 9 Exercise of certain functions by court staff and police officers**

Omit clause 9 (3). Insert instead:

- (3) This clause does not permit a police officer who does not have power to grant bail to exercise a function of deciding whether a person or security is acceptable under section 26 (4) or 27 (3) of the Act.

### **[3] Clauses 22 and 23**

Omit the clauses. Insert instead:

#### **22 Evidence of identity and residential address to be provided**

- (1) A bail authority may refuse to make a decision that a person is an acceptable person, or that security is acceptable security, for the purposes of a security requirement until the bail authority is satisfied, on such evidence as appears to the authority to be sufficient, as to the identity and residential address of the person who proposes to enter into the relevant bail security agreement or deposit the relevant security.
- (2) Nothing in this clause limits the powers of a bail authority in relation to the making of a decision as to whether a person is an acceptable person or security is acceptable security as referred to in section 26 of the Act.

#### **23 Verification that proposed bail guarantor is acceptable person**

A bail authority must not enter into a bail security agreement with a person unless the bail authority is satisfied:

- (a) that a decision has been made as to which person, or class or description of persons, is an acceptable person to enter into the bail security agreement, and
- (b) that the person:
  - (i) is an acceptable person referred to in that decision, or
  - (ii) belongs to a class or description of acceptable persons referred to in that decision.

### **[4] Clause 32 Application for discharge of liability**

Omit “may”. Insert instead “must”.