

LAW REFORM COMMISSION



Mr. Guy Ollivry, Q.C, GOSK
Chairperson

Mr. Pierre Rosario Domingue
Chief Executive Officer

LRC/Com/1

07 September 2009

Press Release

Report on Bail and Other Related Issues

The Law Reform Commission has submitted a Report on Bail and Other Related Issues which may be consulted on the website of the Commission - <http://lrc.gov.mu>

In April 2008, the Commission released a Discussion Paper on the “Law and Practice relating to Criminal Investigation, Arrest and Bail”. Since then consultations have been held with stakeholders and specific issues calling for law reform have been further analyzed.

In this Report, concerns about the law on bail are examined. This is followed by a discussion of the Issues Calling for Legislative Reform and our Proposals for Reform of the Law (which are contained in the Bill attached to the Report as an Annex).

The Commission recommends that:

- (a) Grounds for refusing bail be clearly distinguished from factors/considerations to be taken into account when determining whether or not a defendant or detainee is to be released;
- (b) It be laid down in greater detail the factors to be taken into account by a Court when assessing the risks involved in deciding whether or not to release a defendant or detainee (as these would assist bail decision-makers);
- (c) It be laid down in what circumstances bail would exceptionally be granted;
- (d) Some of the conditions, including curfew and electronic monitoring mechanism, that should or could be imposed by a Court for release on bail be expressly laid down;
- (e) That a person released on bail is liable to be arrested for breach, or anticipated breach, of a bail condition;
- (f) Harsher penalty be imposed for breach of conditions of bail; and

..2/

LAW REFORM COMMISSION



Mr. Guy Ollivry, Q.C, GOSK
Chairperson

Mr. Pierre Rosario Domingue
Chief Executive Officer

-2-

(g) The time spent in custody prior to sentence, by a person to whom bail has been refused, be fully taken into account when assessing the length of the sentence that is to be served from the date of sentencing.

The recommendations flow from the need to strike a proper balance, in accordance with human rights principles, between the right to liberty of the individual and the protection of society.

Other Reports and Papers on the work of the Commission are also available on our website.

S. Bundhun (Mrs)
Secretary to Commission