

(1)

BAIL

Bail may be offered by the COURT

(a) WITH A SURETY; OR WITH MORE THAN ONE SURETY

(b) IN THE ACCUSED PERSONS OWN SURETY

BAIL WITH A SURETY

The following documents must be presented to the Clerk's office

1. Form 2 – (this form is available at the court's office) this is a Declaration required by law and must be made by one of the following persons;

A JUSTICE OF THE PEACE (the JP's *embossed seal* must be affixed to the form)

A MEMBER OF THE JAMAICA CONSTABULARY FORCE (rank of Sergeant and above)

A PRINCIPAL (of a Primary School or upwards)

A MINISTER OF RELIGION (a bona fide church)

NB The surety must take their recommendation to the Registrar of Companies to verify that the church is registered. A seal confirmation letter will be given to the surety to take to this Court Office.

Please ensure that this form is filled out properly and that all questions asked on said form is answered appropriately and legibly; if an error is made by the declarant, one line should be drawn through the error and the correct information written in a clear space as near as possible to where it should be. That person must then place his/her initials at the error and affix his/her seal beside the initials. Any failure in this could result in the surety having to repeat the process until it is submitted in an acceptable format

2. TWO RECENT PASSPORT SIZED PHOTOGRAPH OF THE SURETY CERTIFIED BY THE PERSON WHO SIGNS THE FORM 2

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3. **PROOF OF ADDRESS:** This can be a **RECENT** Utility Bill or a postmarked envelope (from a Government Agency or a Reputable Institution – Banks, Insurance Company, etc.) in the surety's name and address; E.g. If we are in the month of September, a recent bill would be dated August and/September of the said year.

4. **A VALID NATIONAL PICTURE IDENTIFICATION**

This is either;

A passport,

An electoral identification card,

A driver's licence;

None of which should be expired.

5. **COLLATERAL;** the following is a list of collateral accepted by this office,

(i) MOTOR VEHICLE DOCUMENTS- these includes the following

(a) The Certificate of Registration

(b) The Certificate of Fitness

(c) The Title

(d) The Certificate of Insurance, or a Cover Note

The above documents must be current; also they must all reflect similar information (e.g.) the engine number must be the same on all the documents. *See page 4 for valuations, liens and co-ownership*

(ii) REGISTERED TITLE TO LAND-

The Title Deed is to be submitted along with a recently certified copy of the Title from the Titles Office.

If the Title Deed is not in the possession of the surety because (e.g.) it is in the possession of a bank or Building Society or any other entity holding it due to a mortgage, the certified copy will be accepted. *See page 3 for valuations liens/mortgages and co-ownership*

The Title must be in the name of the Surety. If there are other names on the title then the consent of the other person(s) whose names appear on the Title must be obtained on the **PRESCRIBED FORM PROVIDED.**

(III) FINANCIAL STATEMENTS- The following documents may be used,

(a) A RECENT BANK STATEMENT – from a commercial bank; OR

- (b) A RECENT STATEMENT OF ACCOUNT – from any other financial institution. *See page 3 for liens/mortgages and co-ownership*

Please note that a computer print out is not sufficient, the document must be in a format so as to allow your bank to respond to all queries re verification of the information contained therein. (E.g. In a letter form)

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The balances on the account must be a reflection of BONA FIDE or TRUE transaction between the financial institution and the SURETY

- (iv) **CASH**- Any person wishing to use cash as collateral must consult the Court's Office for information on how this may be done.

**ALL BAILS OF \$20,000.00 AND BELOW
WILL NOT BE REQUIRED TO SHOW
COLLATERAL.**

AFTER ALL THE REQUIRED DOCUMENTATION IS ACQUIRED, THE SURETY MUST TAKE THEM TO THE HALF WAY TREE POLICE STATION HOLDING AREA. THEY WILL BE ASSESSED BY THE POLICE AND SOME INFORMATION PLACED ON THEM. WHEN THIS IS DONE THE SURETY SHOULD RETURN TO THE COURT'S OFFICE.

**PLEASE NOTE THIS OFFICE IS OPEN TO THE PUBLIC
BETWEEN 10:00 AM AND 3:30 PM MONDAYS – THURSDAYS
10:00 AM – 3:00 PM ON FRIDAYS**

**VALUATIONS, LIENS/MORTGAGES AND
CO-OWNERSHIP**

VALUATIONS

A surety may be asked to produce a valuation if the clerk is of the view that the property may not be of sufficient value to cover the bail sum.

MOTOR VEHICLES – any valuator that is accepted by the insurer is acceptable to the court.

REGISTERED TITLE TO LAND – any registered valuator with the Real Estate Board, who is licensed to do valuations

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LIENS/MORTGAGES

Eg. When money is owed on land or a motor vehicle and same is registered on the title.

MOTOR VEHICLES – Any vehicle title with an un –discharged lien **will not** be accepted as collateral.

REGISTERED TITLE TO LAND – any mortgage registered on a title which is has not been discharged; the surety must submit a statement of account from the institution which holds the mortgage. This statement must include the amount borrowed, the amount paid and the amount now owed; the institution must also state whether they have any objection to the use of the property as collateral.

FINANCIAL STATEMENTS- Where the surety has a loan which is secured by the sums in the account; the financial institution must state the full indebtedness of the account holder, this office will then subtract the loan amount from the balance in the account and the remainder will be considered to be the amount available for use as the collateral for bail

CO-OWNERSHIP

If the collateral submitted is owned by other persons along with the surety, then the consent of this/these persons must be obtained ON THE PRESCRIBED FORM PROVIDED BY THE COURTS OFFICE.

NB. For land; if the co-owner is deceased then the surety must submit a death certificate from the Registrar Generals Department; this is only in the case of property held as joint tenants.

When the co-owner is deceased in the case of property held as tenants- in- common, this cannot be used as collateral

WHO IS CONSIDERED TO BE A PROPER SURETY

Persons who are deemed to be of a fit and suitable character and sufficient financial standing may offer themselves as a surety. A surety should also be able to answer all questions posed by the Clerk of Court as it relates to information concerning the accused.

SURETIES ARE ADVISED TO ANSWER TRUTHFULLY AND PROMPTLY ALL RELEVANT QUESTIONS ASKED BY THE COURT OFFICER PROCESSING THE BAIL.

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CONDITION OF BAIL

Court instructs that :

- (1) Travel Document of the accused person be surrendered ie. Passport
- (2) Stop Order

If the court orders that the accused person's passport is to be surrendered, the surety must hand it over to the Court's Office. If the accused was never issued with a Passport, the steps stated in relation to Stop Order will be taken.

If the Court orders that a Stop Order be done the surety will be given a letter to take to the Passport, Citizenship and Immigration Office and a sealed confirmation letter will be given to the surety to take back to this office.

Please Note: A certified copy of the accused person's Birth Certificate is required for verification of correct name and date of birth.

COMPLETION OF THE PROCESS

When the processing of all the relevant documents are completed, and depending on where the accused is being held, the surety will be given a DOCUMENT to attend to the facility where the accused is being held.

The surety will be given instructions from an authorized person at that facility as to when the accused will be taken to the COURT'S OFFICE for completion of the process. (If no instruction is received the surety should make this inquiry)

The surety is then required to attend the COURT'S OFFICE and in the presence of the accused and the COURT OFFICER, TO SIGN THE BAIL BONDS.