

## **An Examination of the Law of Bail**

In August 1995, the Commission published a [\*Report on an Examination of the Law of Bail \(LRC 50-1995\)\*](#) following a 1994 request by the Attorney General.

The report examined empirical evidence concerning bail offending as well as a number of prediction studies; surveyed the bail laws in Commonwealth and some Continental European jurisdictions; summarized the Irish law on bail and set out an alternative approach; and discussed methods of addressing bail offending other than pre-trial preventive detention.

Chapter 1 briefly summarised the law relating to bail in Ireland and related legal matters, such as the status of preventive detention generally in the Irish criminal justice system.

Chapter 2 examined the empirical evidence concerning the extent of the problem of bail offending, and discussed a number of methodological difficulties associated with studies of bail offending.

Chapter 3 examined a number of prediction studies, that is to say, studies which attempt to predict future criminal behaviour among charged or convicted individuals.

Chapter 4 examined the law relating to bail under the *United States Federal Bail Reform Act 1984*, the Canadian Criminal Code, the law in Scotland, England and Wales and a number of Australian jurisdictions. There is also a brief examination of the case-law under the European Convention on Human Rights and Fundamental Freedoms, and of the law in some Continental European jurisdictions. The criteria upon which bail decisions are made in those jurisdictions are given primary emphasis.

Chapter 5 draws together much of the material from previous chapters relating to pre-trial preventive detention and concluded by setting out an alternative approach to the present position in Irish law, which emerges from the examination and research into the law here and in other jurisdictions.

Finally, Chapter 6 examined methods of addressing bail offending other than pre-trial preventive detention

<b>Draft Legislation in Report</b>
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Not applicable.

<b>Information on Implementation</b>
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Recommendations of the Commission were implemented by the *Bail Act 1997*.