Number 16 *of* 1997

BAIL ACT 1997

REVISED

Updated to 12 June 2026

This Revised Act is an administrative consolidation of the *Bail Act 1997*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *International Co-operation (Omagh Bombing Inquiry) Act 2026* (12/2026), enacted 3 June 2026, and all statutory instruments up to and including the *International Protection Act 2026 (Commencement) Order 2026* (S.I. No. 244 of 2026), made 10 June 2026, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 16 *of* 1997

BAIL ACT 1997

REVISED

Updated to 12 June 2026

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
1A. Statement by applicants for bail charged with serious offences.
2. Refusal of bail.
2A. Evidence in applications for bail under section 2.
3. Renewal of bail application.
4. Evidence of previous criminal record.
5. Payment of moneys into court, etc.
6. Conditions of bail.
6A. Application of section 6 in relation to certain appellants.
6B. Electronic monitoring of certain persons admitted to bail.
6C. Evidence of electronic monitoring.
6D. Arrangements for electronic monitoring.
7. Sufficiency of bailspersons.
8. Endorsement on warrants as to release on bail.
9. Estreatment of recognisance and forfeiture of moneys paid into court.
9A. Power to hear complainant evidence in bail applications
9B. Requirement to give reasons for bail decisions
10. Amendment of Criminal Justice Act, 1984.
11. Amendment of Act of 1967.
11A. Regulations.
12. Repeals.
13. Short title and commencement.

SCHEDULE

ACTS REFERRED TO

Air Navigation and Transport Act, 1973	1973, No. 29
Air Navigation and Transport Act, 1975	1975, No. 9
Criminal Damage Act, 1991	1991, No. 31
Criminal Justice (Public Order) Act, 1994	1994, No. 2
Criminal Justice Act, 1984	1984, No. 22
Criminal Justice Act, 1994	1994, No. 15
Criminal Law Amendment Act, 1935	1935, No. 6
Criminal Law (Jurisdiction) Act, 1976	1976, No. 14
Criminal Law (Rape) (Amendment) Act, 1990	1990, No. 32
Criminal Law (Sexual Offences) Act, 1993	1993, No. 20
Criminal Procedure Act, 1967	1967, No. 12
Defence Act, 1954	1954, No. 18
Explosive Substances Act, 1883	46 & 47 Vict. c. 3
Firearms Act, 1925	1925, No. 17
Firearms Act, 1964	1964, No. 1
Firearms and Offensive Weapons Act, 1990	1990, No. 12
Forgery Act, 1861	1861, c. 98
Forgery Act, 1913	1913, c. 27
Larceny Acts, 1916 to 1990	
Misuse of Drugs Act, 1977	1977, No. 12
Offences against the Person Act, 1861	1861, c. 100
Offences against the State Act, 1939	1939, No. 13
Punishment of Incest Act, 1908	1908, c. 45
Road Traffic Act, 1961	1961, No. 24

Number 16 *of* 1997

BAIL ACT 1997

REVISED

Updated to 12 June 2026

AN ACT TO MAKE FURTHER PROVISION IN RELATION TO BAIL, TO AMEND THE CRIMINAL PROCEDURE ACT, 1967, AND TO PROVIDE FOR RELATED MATTERS. [5*th May*, 1997]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—(1) In this Act, except when the context otherwise requires—

"the Act of 1967" means the Criminal Procedure Act, 1967;

F1[F1"authorised person" means a person who is appointed in writing by the Minister, or a person who is one of a prescribed class of persons, to be an authorised person for the purposes of *sections 6B* and *6C*;]

"court" means any court exercising criminal jurisdiction but does not include court martial;

"criminal record", in relation to a person, means a record of the previous convictions of the person for offences (if any);

F1[F1"Minister" means Minister for Justice, Equality and Law Reform;]

F1[F1"prescribed" means prescribed by regulations made by the Minister;]

"serious offence" means an offence specified in the *Schedule* for which a person of full capacity and not previously convicted may be punished by a term of imprisonment for a term of 5 years or by a more severe penalty.

(2) In this Act—

(*a*) a reference to a section is a reference to a section of this Act, unless it is indicated that reference to some other enactment is intended,

(*b*) a reference to a subsection, paragraph or subparagraph is a reference to a subsection, paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended,

(*c*) a reference to any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment.

F2[Statement by applicants for bail charged with serious offences.

1A.—(1) A person who is charged with a serious offence and applies for bail (in this section referred to as "the applicant") shall, subject to *subsections (4)* and *(5)(c)*, furnish to the prosecutor a written statement duly signed by the applicant and containing the following information relating to the applicant:

(*a*) his or her name and any other name or names previously used;

(*b*) his or her current occupation and any previous occupation or occupations within the immediately preceding 3 years;

(*c*) his or her source or sources of income within the immediately preceding 3 years;

(*d*) his or her property, whether wholly or partially owned by, or under the control of, the applicant and whether within or outside the State;

(*e*) any previous conviction or convictions of the applicant for a serious offence;

(*f*) any previous conviction or convictions of the applicant for an offence or offences committed while on bail;

(*g*) any previous application or applications by the person for bail, indicating whether or not it was granted and, if granted, the conditions to which the recognisance was subject.

(2) The statement shall be in the prescribed form or a form to the like effect.

(3) The statement shall be furnished to the prosecutor—

(*a*) where written notice of the application for bail is not required, as soon as reasonably practicable before the application is made, or

(*b*) where such notice is required, on service of the notice.

(4) The requirement in *subsection (1)* to furnish a statement may be dispensed with where—

(*a*) the prosecutor states an intention to consent to the grant of bail, or

(*b*) the applicant and prosecutor consent to dispensing with the requirement.

(5) The court may by order:

(*a*) extend the period for production by the applicant of the statement;

(*b*) adjourn the hearing of the application pending production of the statement;

(*c*) dispense with the need to comply with *subsection (1)* if satisfied that there is good and sufficient reason for doing so;

(*d*) impose such conditions as it considers just in any order made by it under this section.

(6) The statement shall be received in evidence without further proof in proceedings under this section if it purports to be signed by the applicant.

(7) In proceedings under this section any witness may, with the leave of the court, be examined on the content of the statement.

(8) No information relating to the statement or any part of it shall be published in a written publication available to the public or be broadcast, unless the court otherwise directs.

(9) The court may, if it considers that publication of any examination of the applicant in relation to the statement or any part of it or of any submissions made to the court may prejudice the applicant's right to a fair trial, by order direct that no information relating to the examination or submissions be published in a written publication available to the public or be broadcast.

(10) The court, when making an order under *subsection (9)*, may specify the duration of the order and may at any time vary or set aside the order.

(11) An applicant who knowingly gives false or misleading information or conceals any material fact, either in the statement or in evidence in proceedings under this

section, is guilty of an offence and liable on summary conviction to a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or both.

(12) Any information contained in the statement is not admissible in evidence in any other proceedings or matter, except in proceedings against the applicant under *subsection (11)*.

(13) The court may consider an application for bail, notwithstanding a failure by the applicant to furnish the statement.

(14) Nothing in this section limits the jurisdiction of a court to grant bail.

(15) *Subsection (2)* of *section 4* applies in relation to the hearing of evidence in relation to the statement and *subsections (4)* to *(7)* of that section apply in relation to a contravention of *subsection (8)* or *(9)* of this section, in each case with the necessary modifications.

(16) In this section "property" means—

(*a*) cash, money in an account in a financial institution, cheques, bank drafts and transferable securities (including shares, warrants and debentures),

(*b*) land,

(*c*) mechanically propelled vehicles, and

(*d*) any other asset exceeding €3,000 in value.**]**

Refusal of bail.

2.—(1) Where an application for bail is made by a person charged with a serious offence, a court may refuse the application if the court is satisfied that such refusal is reasonably considered necessary to prevent the commission of a serious offence by that person.

F3**[**(2) In exercising its jurisdiction under *subsection (1)*, a court shall take into account and may, where necessary, receive evidence or submissions concerning—

(*a*) the nature and degree of seriousness of the offence with which the accused person is charged and the sentence likely to be imposed on conviction,

(*b*) the nature and degree of seriousness of the offence apprehended and the sentence likely to be imposed on conviction,

(*c*) the nature and strength of the evidence in support of the charge,

(*d*) any conviction of the accused person for an offence committed while he or she was on bail,

(*e*) any previous convictions of the accused person including any conviction the subject of an appeal (which has neither been determined nor withdrawn) to a court,

(*f*) any other offence in respect of which the accused person is charged and is awaiting trial,

and, where it has taken into account one or more of the foregoing, it may also take into account—

(i) the fact that the accused person is addicted to a controlled drug within the meaning of the Misuse of Drugs Act 1977,

(ii) the extent to which the number and frequency of any previous convictions of the accused person for serious offences indicate persistent serious offending by the accused person, and

(iii) the nature and likelihood of any danger to the life or personal safety of any person or danger to the community that may be presented by the release on bail of a person charged with an offence punishable by imprisonment for a term of 10 years or by a more severe penalty.**]**

F4**[**(2A) In addition to taking into account the matters referred to in *subsection (2)* in exercising its jurisdiction under *subsection (1)*, where—

(*a*) an application for bail is made by a person charged with a serious offence which is a relevant offence, where the relevant offence is alleged to have been committed in a dwelling, and

(*b*) the circumstances specified in *subsection (2B)* exist in respect of the person making that application,

a court, in exercising that jurisdiction, shall consider the existence of those circumstances as evidence that the person is likely to commit a relevant offence in a dwelling.

(2B) The circumstances referred to in *subsection (2A)(b)* are that the person—

(*a*) is charged with a relevant offence alleged to have been committed—

(i) in a dwelling,

(ii) on or after the coming into operation of section 1 of the Criminal Justice (Burglary of Dwellings) Act 2015, and

(iii) after he or she attained the age of 18 years,

in respect of which the application for bail is being made,

(*b*) has a conviction for a relevant offence where the relevant offence was committed in a dwelling in the period of 5 years immediately prior to the application for bail irrespective of whether or not the person committed that relevant offence before or after he or she had attained the age of 18 years, and

(*c*) at the time of the application for bail in respect of the relevant offence referred to in *paragraph (a)* —

(i) has convictions for not less than 2 relevant offences (other than a conviction for a relevant offence referred to in *paragraph (b)*) committed—

(I) in a dwelling,

(II) within a period commencing 6 months before and ending 6 months after the alleged commission of the relevant offence referred to in *paragraph (a)*, and

(III) after he or she attained the age of 18 years,

(ii) is charged with, and is awaiting trial for, not less than 2 relevant offences (other than the relevant offence referred to in paragraph (a)) alleged to have been committed—

(I) in a dwelling,

(II) within a period commencing 6 months before and ending 6 months after the alleged commission of the relevant offence referred to in *paragraph (a)*, and

(III) after he or she attained the age of 18 years,

or

(iii) has a conviction for a relevant offence (other than a conviction for a relevant offence referred to in *paragraph (b)*) and is charged with, and is awaiting trial for, a relevant offence (other than the relevant offence referred to in *paragraph (a)*) committed or alleged to have been committed, as the case may be—

(I) in a dwelling,

(II) within a period commencing 6 months before and ending 6 months after the alleged commission of the relevant offence referred to in *paragraph (a)*, and

(III) after he or she attained the age of 18 years.

(2C) A reference in *subsection (2B)* to a conviction for a relevant offence includes a reference to a conviction for a relevant offence which is the subject of an appeal (which has neither been determined nor withdrawn).

(2D) Nothing in *subsection (2B)(b)* shall be taken to prejudice the operation of section 258 of the Children Act 2001.**]**

(3) In determining whether the refusal of an application for bail is reasonably considered necessary to prevent the commission of a serious offence by a person, it shall not be necessary for a court to be satisfied that the commission of a specific offence by that person is apprehended.

F5**[**(4) In this section—

"dwelling" includes—

(*a*) a building or structure (whether temporary or not) which is constructed or adapted for use as a dwelling and is being so used,

(*b*) a vehicle or vessel (whether mobile or not) which is constructed or adapted for use as a dwelling and is being so used, or

(*c*) a part of a dwelling;

"relevant offence" means an offence under section 12 or 13 of the Criminal Justice (Theft and Fraud Offences) Act 2001.**]**

F6**[**Evidence in applications for bail under *section 2*.

2A.—(1) Where a member of the Garda Síochána not below the rank of chief superintendent, in giving evidence in proceedings under *section 2*, states that he or she believes that refusal of the application is reasonably necessary to prevent the commission of a serious offence by that person, the statement is admissible as evidence that refusal of the application is reasonably necessary for that purpose.

(2) Evidence given by such a member in the proceedings is not admissible in any criminal proceedings against the applicant.

(3) The court may, if it considers that publication of evidence given by such a member under *subsection (1)* or of any part of it may prejudice the accused person's right to a fair trial, by order direct that no information relating to the evidence or that part, or to any examination of the member, be published in a written publication or be broadcast.

(4) The court, when making an order under *subsection (3)*, may specify the duration of the order and may at any time vary or set aside the order as it sees fit and subject to such conditions as it may impose.

(5) *Subsection (2)* of *section 4* applies in relation to the hearing of the evidence of the member and *subsections (4)* to *(7)* of that section apply in relation to a contravention of *subsection (3)* of this section, in each case with the necessary modifications.

(6) Nothing in this section is to be construed as prejudicing the admission in proceedings under section 2 of other evidence of belief, or of evidence of opinion, whether tendered by any member of the Garda Síochána or other person.

(7) Nothing in this section limits the jurisdiction of a court to grant bail.**]**

Renewal of bail application.

3.—(1) Where an application by a person for bail—

(*a*) has been refused by a court under *section 2*, and

(*b*) the trial of the person for the offence concerned has not commenced within 4 months from the date of such refusal,

then, the person may renew his or her application for bail to that court on the ground of delay by the prosecutor in proceeding with his or her trial, and the court shall, if satisfied that the interests of justice so require, release the person on bail.

(2) In determining whether to grant or refuse an application under *subsection (1)*, a court may receive evidence or submissions concerning the delay in proceeding with the trial of the person concerned.

(3) Nothing in this section shall affect the operation of section 24 of the Act of 1967.

Evidence of previous criminal record.

4.—(1) In any proceedings in relation to an application referred to in *section 2 (1)*, the previous criminal record of the person applying for bail shall not be referred to in a manner which may prejudice his or her right to a fair trial.

(2) In any such proceedings as aforesaid, a court may—

(*a*) direct that the proceedings shall be heard otherwise than in public, or

(*b*) exclude from the court during the hearing all persons except officers of the court, persons directly concerned in the proceedings, *bona fide* representatives of the Press and such other persons if any as the court may permit to remain.

F7**[**(2A) *Subsection (2)* is without prejudice to the right of—

(*a*) a parent, relative or friend of a person in respect of whom the offence is alleged to have been committed (in this subsection referred to as "the relevant person"), or

(*b*) a support worker chosen by the relevant person,

to remain in court, where the relevant person gives evidence pursuant to *section 9A*, for the duration of such evidence.**]**

(3) In any report of any such proceedings as aforesaid, no information relating to the criminal record of the person applying for bail shall be published in a written publication available to the public or be broadcast.

(4) If any matter is published or broadcast in contravention of *subsection (3)*, the following persons, namely—

(*a*) in the case of a publication in a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical,

(*b*) in the case of any other publication, the person who publishes it, and

(*c*) in the case of a broadcast, any person who transmits or provides the programme in which the broadcast is made and any person having functions in relation to the programme corresponding to those of the editor of a newspaper,

shall be guilty of an offence and shall be liable—

(i) on summary conviction to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 12 months or to both, or

(ii) on conviction on indictment, to a fine not exceeding £10,000 or to imprisonment for a term not exceeding 3 years or to both.

(5) In this section—

"a broadcast" means the transmission, relaying or distribution by wireless telegraphy of communications, sounds, signs, visual images or signals intended for direct reception by the general public whether such communications, sounds, signs, visual images or signals are actually received or not;

F7**[**"support worker" means a volunteer of, or an individual employed under a contract of service or under a contract for services by, an organisation which provides support to victims of crime.**]**

"written publication" includes a film, a sound track and any other record in permanent form (including a record that is not in a legible form but which is capable of being reproduced in a legible form) but does not include an indictment or other document prepared for use in particular legal proceedings.

(6) Where an offence under this section has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a person being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(7) Where the affairs of a body corporate are managed by its members, *subsection (6)* shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

Payment of moneys into court, etc.

5.—(1) Where a court admits a person who is in custody to bail F8**[**the court may, having regard to the circumstances of the case, including the means of the person and the nature of the offence in relation to which the person is in custody, order that**]** the person shall not be released until—

(*a*) an amount equal to one third, or

(*b*) such greater amount as the court may determine,

of F9**[**any moneys to be paid into court under a recognisance**]** entered into by a person in connection therewith has been paid into court by the person.

(2) F10**[**(*a*) Where a court requires payment of moneys into court by a person or any surety as a condition of a recognisance, it may accept as security, in lieu of such payment, any instrument that it considers to be adequate evidence of the title of a person to property (other than land or any estate, right or interest in or over land).**]**

(*b*) Where a bank, building society, credit union or post office deposit book is accepted as security by a court by virtue of *paragraph (a)*, the court shall make an order directing the bank, building society or credit union concerned or An Post, as the case may be, not to permit the moneys on deposit to be reduced below—

(i) an amount equal to the amount required to be paid into court, or

(ii) the amount then on deposit,

whichever is the lesser.

(3) Where a person charged with an offence is admitted to bail by a court and—

(*a*) he or she is discharged in relation to that offence pursuant to section 8 (5) of the Act of 1967 or otherwise,

(*b*) a *nolle prosequi* is entered by the prosecutor in respect of the offence, or

(*c*) he or she is convicted or found not guilty of the offence charged or of some other offence of which the accused might on that charge be found guilty,

and if the conditions of any recognisance entered into by a person in connection therewith have been duly complied with, the court before which the accused person was bound by his or her recognisance to appear shall make an order that the F11**[**amount (if any) of any F12**[**moneys paid**]** into court**]** by any person in connection therewith shall be repaid to the person and shall discharge any order made under *subsection (2)* and release any security accepted by the court under that subsection.

F13**[**(4) This section shall not apply in relation to a person under the age of 18 years.**]**

F14**[**(5) The payment of an amount of moneys under a recognisance for transmission to the court to a person specified in section 22(3) of the Act of 1967 shall be deemed to be a payment into court for the purposes of this section and references in this section and in section 22 of the Act of 1967 to the payment of an amount of moneys into court and to moneys paid or to be paid into court shall be construed accordingly.**]**

Conditions of bail.

6.—(1) Where an accused person is admitted to bail on his or her entering into a recognisance—

F15**[**(*a*) the recognisance shall, in addition to the condition requiring his or her appearance before the court at the end of the period of remand of the accused person, be subject to the condition that the accused person shall not commit an offence while on bail.**]**

and

(*b*) the recognisance may be subject to such conditions as the court F16**[**considers necessary and proportionate**]** having regard to the circumstances of the case, including but without prejudice to the generality of the foregoing, any one or more of the following conditions:

(i) that the accused person resides or remains in a particular district or place in the State,

(ii) that the accused person reports to a specified Garda Síochána Station at specified intervals,

(iii) that the accused person surrenders any passport or travel document in his or her possession or, if he or she is not in possession of a passport or travel document, that he or she refrains from applying for a passport or travel document,

(iv) that the accused person refrains from attending at such premises or other place as the court may specify,

(v) that the accused person refrains from having any contact with such person or persons as the court may specify.

F17**[**(vi) that the accused person refrains from having contact (direct or indirect) with the person in respect of whom the offence is alleged to have been committed or any member of his or her family unless such contact is approved by the court,

(vii) that the accused person shall not drive a mechanically propelled vehicle (within the meaning of the Road Traffic Act 1961) where the person has been charged with a serious offence relating to the driving of such a vehicle and the court considers it necessary to impose such a condition to prevent the commission of a serious offence connected with the driving of such a vehicle,

(viii) that the accused person shall be at a specified place between specified times during the period commencing at 9.00 p.m. on each day and ending at 6.00 a.m. on each following day.**]**

(2) Where an accused person is admitted to bail by a court on his or her entering into a recognisance with or without a surety or sureties, the court shall direct that a copy of the recognisance containing the conditions of the recognisance be given to the accused person and to the surety or sureties (if any).

(3) Where an accused person is admitted to bail by a court on his or her entering into a recognisance subject to one or more of the conditions referred to in *subsection (1)(b)*, that court may, on the application to it in that behalf at any time by the accused person, if it considers it appropriate to do so, vary (whether by the alteration, addition or revocation of a condition) a condition.

F18**[**(3A) A recognisance referred to in *subsection (3)* shall contain a statement that the accused person may apply to the court at any time to vary or revoke a condition of the recognisance. **]**

(4) The prosecutor shall be given notice of, and be entitled to be heard in, any proceedings under *subsection (3)*.

(5) Where a person charged with an offence is admitted to bail by a court on his or her entering into a recognisance with or without a surety or sureties, the court may, on the application to it in that behalf by a surety or sureties of the accused person or of a member of the Garda Síochána and upon information being made in writing and on oath by or on behalf of such surety or member that the accused is about to contravene any of the conditions of the recognisance, issue a warrant for the arrest of the accused person.

(6) A member of the Garda Síochána may arrest a person pursuant to *subsection (5)* notwithstanding that he or she does not have the warrant concerned in his or her possession at the time of the arrest.

(7) Where a person is arrested pursuant to *subsection (6)*, the member arresting him or her shall, as soon as practicable produce and serve on the person the warrant concerned.

(8) A person arrested pursuant to F19**[***subsection (6)* or *(10)***]**, shall, as soon as practicable, be brought before the court that made the order directing that the recognisance be entered into.

(9) Where a person is brought before a court pursuant to *subsection (8)*, the court may commit the person to prison to await his or her trial or until he or she enters a fresh recognisance or, if he or she is on remand, further remand him or her.

F20**[**(10) Where a member of the Garda Síochána—

(*a*) with reasonable cause, suspects that a person who has been admitted to bail—

(i) is about to contravene any of the conditions of the recognisance,

(ii) is in the act of contravening any of the conditions of the recognisance, or

(iii) has contravened any of the conditions of the recognisance,

and

(*b*) considers that it is necessary to arrest the person immediately to prevent harm to, interference with or intimidation of the person in respect of whom the offence is alleged to have been committed, a witness to the offence alleged or to any other person specified in a condition referred to in *subparagraphs (v)* or *(vi)* of *paragraph (b)* of *subsection (1)*,

he or she may arrest the person without warrant.**]**

F22**[**Application of *section 6* in relation to certain appellants.

6A.— *Section 6* applies in relation to recognisances entered into by persons appealing against sentences of imprisonment imposed by the District Court with the following modifications:

(*a*) by the substitution of the following paragraph for *paragraph (a)* of *subsection (1)*:

"(*a*) the recognisance shall be subject to the following conditions, namely, that the appellant shall—

(i) prosecute the appeal,

(ii) attend the sittings of the Circuit Court until the appeal has been determined, and

(iii) not commit an offence while on bail,";

(*b*) references in that section to an accused person or a person charged with an offence are to be construed as references to persons so appealing;

(*c*) the reference to a court in *subsection (8)* is to be construed as a reference to the District Court;

and with any other necessary modifications.**]**

F23**[**Electronic monitoring of certain persons admitted to bail.

6B.— ...**]**

F25**[**Evidence of electronic monitoring.

6C.— ... **]**

F26**[** Arrangements for electronic monitoring.

6D.— ...**]**

Sufficiency of bailspersons.

7.—(1) A court shall in every case satisfy itself as to the sufficiency and suitability of any person proposed to be accepted as a surety for the purpose of bail.

(2) In determining the sufficiency and suitability of a person proposed to be accepted as a surety, a court shall have regard to and may, where necessary, receive evidence or submissions concerning:

(*a*) the financial resources of the person,

(*b*) the character and antecedents of the person,

(*c*) any previous convictions of the person, and

(*d*) the relationship of the person to the accused person.

Endorsement on warrants as to release on bail.

8.—(1) Where a court issues a warrant for the arrest of a person, the court may direct that the person named in the warrant be on arrest released on his or her entering into a recognisance, with or without a surety or sureties, conditioned for his or her appearance before a court on such date and at such time and place as may be specified in the endorsement, and the endorsement shall fix the amounts F27**[**(if any)**]** in which the person and his or her surety or sureties (if any) are to be bound and shall specify any other conditions of the recognisance.

(2) Where such an endorsement is made, the member of the Garda Síochána in charge of the Garda Síochána Station to which on arrest the person named in the warrant is brought shall discharge him or her upon his or her entering into a recognisance, with or without surety or sureties, approved by that member and F28**[**, if the court, having regard to the circumstances of the case, including the means of the person and the nature of the offence to which the warrant relates, so orders**]** upon the payment of—

(*a*) an amount equal to one third, or

(*b*) such greater amount as the court may determine,

of F29**[**any moneys conditioned to be paid under a recognisance**]** entered into by a person.

(3) Any moneys paid to a member of the Garda Síochána under *subsection (2)* shall be deposited by him or her with the district court clerk for the district court area F30**[**where the courthouse at which the arrested person is conditioned to appear is situate**]**.

(4) This section shall not apply to a person arrested under section 251 of the Defence Act, 1954, on suspicion of his or her being a deserter or an absentee without leave from the Defence Forces.

F31[Estreatment of recognisance and forfeiture of moneys paid into court.

9.—(1) Where an accused person or a person who is appealing against a sentence of imprisonment imposed by the District Court (in either case referred to in this section as "the person") is admitted to bail on entering into a recognisance conditioned for his or her appearance before a specified court on a specified date at a specified time and place, and the person—

(*a*) fails to appear in accordance with the recognisance, or

(*b*) is brought before the court in accordance with *subsection (7)* and the court is satisfied that the person has contravened a condition of the recognisance,

the court may order—

(i) that any moneys conditioned to be paid under the recognisance by the person or any surety be estreated in such amount and within such period as the court thinks fit,

(ii) that any sums paid into court by the person or any surety be forfeited in such amount or amounts as the court thinks fit,

(iii) where a bank, building society, credit union or an An Post deposit book has been accepted as security for the amount of the recognisance, that the entity concerned pay into court that amount, or such lesser amount as the court thinks fit, from the moneys held by the person or any surety on deposit therein, and

(iv) where necessary for estreatment, that a receiver be appointed to take possession or control of the property of the person or any surety and to manage or otherwise deal with it in accordance with the directions of the court.

(2) Where a receiver—

(*a*) appointed under *subsection (1)* takes any action under this section in relation to property, and

(*b*) believes, and has reasonable grounds for believing, that he or she is entitled to take that action in relation to the property,

he or she shall not be liable to any person in respect of any loss or damage resulting from the action, except in so far as the loss or damage is caused by his or her negligence.

(3) Money recovered by the receiver may, to the extent necessary, be applied to meet expenses incurred in the performance of his or her functions and the remuneration of any person employed in that connection.

(4) The court may, on the application of a member of the Garda Síochána and on information being made in writing and on oath by or on behalf of the member that the person has contravened a condition of the recognisance (other than the condition referred to in *subsection (1)* that he or she appear before a specified court on a specified date at a specified place), issue a warrant for the arrest of the person.

(5) A member of the Garda Síochána may arrest the person pursuant to a warrant issued under *subsection (4)* notwithstanding that the member does not have the warrant concerned in his or her possession at the time of the arrest.

(6) Where *subsection (5)* applies, the member shall serve the warrant on the arrested person as soon as practicable.

(7) The arrested person shall be brought as soon as practicable before the court.

(8) Where a warrant has been issued under *subsection (4)*, the person and any surety remain bound by their recognisances, and any money paid into court in

connection therewith shall not be released before the conclusion of any proceedings under this section.

(9) Where the court makes an order under *subsection (1)*, notice shall be given to the person and any surety stating that an application to vary or discharge the order may be made to the court within 21 days from the date of the issue of the notice.

(10) On such an application, the court may vary or discharge the order if satisfied that compliance with it would cause undue hardship to the person or any surety.

(11) The prosecutor shall be given notice of, and be entitled to be heard in, any application under *subsection (10)*.

(12) Subject to *subsection (13)*, if an order under *subparagraph (i)* of *subsection (1)* or any variation of it under *subsection (10)* is not complied with, a warrant of committal of the person or any surety for such non-compliance shall be issued by the court and, for the purpose of determining the term of imprisonment to be served by the person or surety, the warrant shall be treated as if it were a warrant for imprisonment for the non-payment of a fine equivalent to the amount estreated under the said *subparagraph (i)* of *subsection (1)*.

(13) Where the person referred to in *subsection (12)* is a child within the meaning of section 110 of the Children Act 2001, non-compliance with an order under *subparagraph (i)* of *subsection (1)* or with any variation of it under *subsection (10)* shall be treated as a default in payment of a fine, costs or compensation under the said section 110 and the provisions of that section shall apply accordingly.**]**

F32**[**Power to hear complainant evidence in bail applications

9A.—(1) A court considering an application for bail may, on the application of a member of the Garda Síochána, hear evidence from the person in respect of whom the offence is alleged to have been committed as to:

(*a*) the likelihood of direct or indirect interference or attempted interference by the accused person with the person in respect of whom the offence is alleged to have been committed or a member or his or her family; and

(*b*) the nature and seriousness of any danger to any person that may be presented by the release of the accused person on bail.

(2) For the purposes of *subsection (1)* the court may—

(*a*) where the person in respect of whom the offence is alleged to have been committed is a child under the age of 14 years, hear the evidence of the child or his or her parent or guardian on behalf of the child,

(*b*) where the person in respect of whom the offence is alleged to have been committed is a person with a mental disorder, hear the evidence of the person or a family member on behalf of the person.

(3) The court may, in the interests of justice, order that information relating to the evidence given under *subsection (1)* or any part of that information shall not be published or broadcast.

(4) If any matter is published or broadcast in contravention of *subsection (3)*, the following persons, namely—

(*a*) in the case of a publication in a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical,

(*b*) in the case of any other publication, the person who publishes it, and

(*c*) in the case of a broadcast, any person who transmits or provides the programme in which the broadcast is made and any person having functions in relation to the programme corresponding to those of the editor of a newspaper,

shall be guilty of an offence.

(5) A person guilty of an offence under *subsection (4)* shall be liable—

(*a*) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months or both, or

(*b*) on conviction on indictment, to a fine not exceeding €50,000 or to imprisonment for a term not exceeding 3 years or both.

(6) Where an offence under *subsection (4)* is committed by a body corporate and it is proved that the offence was committed with the consent or connivance of any person being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in that capacity, that person shall, as well as the body corporate, be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(7) In this section—

"broadcast" has the meaning assigned to it by the Broadcasting Act 2009;

"child" means a person under the age of 18 years;

"family member" means—

(*a*) a spouse or partner of the person,

(*b*) a child, grandchild, parent, grandparent, brother, sister, uncle, aunt, nephew or niece of the person,

(*c*) a person who is acting *in loco parentis* to the person,

(*d*) a dependant of the person, or

(*e*) any other person with whom, in the opinion of the court, the person has a close connection;

"guardian", in relation to a child, has the meaning assigned to it by the Children Act 2001;

"mental disorder" has the meaning assigned to it by the Mental Health Act 2001;

"publish" means publish, other than by way of broadcast, to the public or a portion of the public.**]**

F34**[**Requirement to give reasons for bail decisions

9B.—Where an application for bail is made or renewed by a person charged with an offence, a court shall give reasons for its decision to grant or refuse the application including reasons for a decision to impose or vary any conditions to be contained in the recognisance to be entered into by the person.**]**

Amendment of Criminal Justice Act, 1984.

10.—Section 11 of the Criminal Justice Act, 1984, is hereby amended by the insertion of the following subsection after subsection (3):

"(4) Where a court—

(*a*) is determining the sentence to be imposed on a person for an offence committed while he or she was on bail,

and

(*b*) is required by subsection (1) to impose two or more consecutive sentences,

then, the fact that the offence was committed while the person was on bail shall be treated for the purpose of determining the sentence as an aggravating factor and the court shall (except where the sentence for the previous offence is one of imprisonment for life or where the court considers that there are exceptional circumstances justifying its not doing so) impose a sentence that is greater than that which would have been imposed in the absence of such a factor.".

Amendment of Act of 1967.

11.—The Act of 1967 is hereby amended—

(*a*) in section 26, by the deletion of "or peace commissioner",

(*b*) in section 28—

(i) by the deletion in subsection (1) of "or a peace commissioner", and

(ii) by the deletion in subsection (4) of "or a peace commissioner", and

(*c*) in section 33, by the deletion in subsection (1) of "or a peace commissioner".

F35**[**Regulations.

11A.—(1) The Minister may make regulations prescribing any matter or thing which is referred to in this Act as prescribed or for the purpose of enabling any provision of this Act to have full effect.

(2) The regulations may include such consequential, incidental or supplementary provisions as may be necessary for that purpose.

(3) Regulations under this section shall be laid before each House of the Oireachtas as soon as may be after they are made and, if a resolution annulling them is passed by either such House within the next 21 days on which that House has sat after they are laid before it, the regulations shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.**]**

Repeals.

12.—Sections 27, 30 and 33 of the Act of 1967 are hereby repealed.

Short title and commencement.

13.—(1) This Act may be cited as the Bail Act, 1997.

(2) This Act shall come into operation on such day or days as, by order or orders made by the Minister for Justice under this section, may be fixed therefor, either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions.

Section 1.

SCHEDULE

Common law offences

1. Murder.

2. Manslaughter.

3. F36**[**...**]**

4. F36**[**...**]**

5. F36**[**...**]**

6. Rape.

F37**[***Genocide, crimes against humanity, war crimes and ancillary offences*

6A. An offence under section 7 or 8 of the International Criminal Court Act 2006.**]**

Offences against the person

F38**[**7. Any offence under the following provisions of the Non-Fatal Offences against the Person Act, 1997—

(*a*) section 3 (assault causing harm);

F39**[**(*aa*) section 3A (non-fatal strangulation or non-fatal suffocation);**]**

F40**[**(*ab*) section 3B (assault causing harm aggravated by hatred);**]**

(*b*) section 4 (causing harm);

F39**[**(*ba*) section 4A (non-fatal strangulation or non-fatal suffocation causing serious harm;)**]**

F40**[**(*bb*) section 4B (causing serious harm aggravated by hatred);**]**

(*c*) section 5 (threats to kill or cause serious harm);

F40**[**(*ca*) section 5A (threats to kill or cause serious harm aggravated by hatred);**]**

(*d*) section 6 (syringe, etc. attacks);

(*e*) section 7 (1) (offence of possession of syringe, etc. in certain circumstances);

(*f*) section 8 (placing or abandoning syringe);

(*g*) section 9 (coercion);

F40**[**(*ga*) section 9A (coercion aggravated by hatred);**]**

F41**[**(*h*) section 10 (harassment or stalking);**]**

F40**[**(*ha*) section 10B (harassment aggravated by hatred);**]**

(*i*) section 13 (endangerment);

F40**[**(*ia*) section 13A (endangerment aggravated by hatred);**]**

(*j*) section 14 (endangering traffic);

(*k*) section 15 (false imprisonment);

(*l*) section 16 (abduction of child by parent, etc.);

(*m*) *section 17* (abduction of child by other persons).**]**

F42**[**7A. Any offence under section 3 of the Criminal Justice Act 1990 (certain murders and attempts).**]**

8. Any offence under the following provisions of the Criminal Justice (Public Order) Act, 1994—

(*a*) section 18 (assault with intent to cause bodily harm or commit indictable offence);

F40**[**(*aa*) section 18A (assault with intent to cause bodily harm or commit indictable offence aggravated by hatred);**]**

(*b*) section 19 (assault or obstruction of peace officer).

F43**[**8A. An offence under the Criminal Law (Human Trafficking) Act 2008.**]**

Sexual offences

9. Any offence under section 1 (incest by males) and section 2 (incest by female of or over 17 years) of the Punishment of Incest Act, 1908.

F44**[**10. An offence under the Criminal Law (Sexual Offences) Act 2006.**]**

11. Any offence under the following provisions of the Criminal Law (Rape) (Amendment) Act, 1990—

(*a*) section 2 (sexual assault);

(*b*) section 3 (aggravated sexual assault);

(*c*) section 4 (rape under section 4).

12. Any offence under the following provisions of the Criminal Law (Sexual Offences) Act, 1993—

(*a*) section 3 (buggery of persons under 17 years of age);

(*b*) section 5 (protection of mentally impaired persons);

(*c*) sections 9 and 11 (organisation etc. of prostitution).

F45**[**12A. Any offence under the following provisions of the Child Trafficking and Pornography Act, 1998—

(*a*) section 3 (child trafficking and taking, etc., child for sexual exploitation);

F46**[**(*aa*) *section 4A* (organising etc. child prostitution or production of child pornography);**]**

(*b*) section 5 (producing, distributing, etc., child pornography).**]**

F46**[**(*ba*) *section 5A* (participation of child in pornographic performance);**]**

F47**[**12B. An offence under section 6 (inserted by section 2 of the Criminal Law (Sexual Offences) (Amendment) Act 2007) of the Criminal Law (Sexual Offences) Act 1993. **]**

F46**[**12C. An offence under the following provisions of the Criminal Law (Sexual Offences) Act 2017:

(a) *section 3* (obtaining, providing etc. a child for purpose of sexual exploitation);

(b) *section 4* (invitation etc. to sexual touching);

(c) *section 5* (sexual activity in presence of child);

(d) *section 6* (causing child to watch sexual activity);

(e) *section 7* (meeting child for purpose of sexual exploitation);

(f) *section 8* (use of information and communication technology to facilitate sexual exploitation of child);

(g) *section 21* (sexual act with protected person);

(h) *section 22* (offence against relevant person by person in authority).**]**

Explosives

13. Any offence under the following provisions of the Explosive Substances Act, 1883—

(*a*) section 2 (causing explosion likely to endanger life or damage property);

(*b*) section 3 (possession etc. of explosive substances);

(*c*) section 4 (making or possessing explosives in suspicious circumstances).

Firearms

F48**[**14. Any offence under the following provisions of the Firearms Act 1925:

(*a*) section 2 (restrictions on possession, use, and carriage of firearms);

(*b*) section 3 (applications for, and form and effect of, firearm certificates);

(*c*) section 4A(18) (authorisation of rifle or pistol clubs or shooting ranges);

(*d*) section 10A (reloading of ammunition);

(*e*) section 15 (possession of firearms with intent to endanger life);

(*f*) section 25 (punishments).**]**

15. Any offence under the following provisions of the Firearms Act, 1964—

(*a*) section 26 (possession of firearm while taking vehicle without authority);

(*b*) section 27 (use of firearm to resist arrest or aid escape);

(*c*) section 27A (possession of firearm or ammunition in suspicious circumstances);

(*d*) section 27B (carrying firearm with criminal intent).

F49**[**16. Any offence under the following provisions of the Firearms and Offensive Weapons Act 1990:

(*a*) section 7 (possession, sale, etc., of silencers);

(*b*) section 8 (reckless discharge of firearm);

(*c*) section 9 (possession of knives and other articles);

(*d*) section 10 (trespassing with a knife, weapon of offence or other article);

(*e*) section 11 (production of article capable of inflicting serious injury);

(*f*) section 12 (power to prohibit manufacture, importation, sale, hire or loan of offensive weapons);

(*g*) section 12A (shortening barrel of shotgun or rifle).**]**

F50**[**16A. Any offence under section 3 of the Firearms (Firearm Certificates for Non-Residents) Act 2000 (prohibition of false information and alteration of firearm certificates).**]**

Robbery and burglary

17. F51**[**Any offence under the Criminal Justice (Theft and Fraud Offences) Act, 2001.**]**

18. Any offence under the following provisions of the Criminal Damage Act, 1991—

(*a*) section 2 (damaging property);

F40**[**(*aa*) section 2A (damaging property aggravated by hatred);**]**

(*b*) section 3 (threat to damage property);

(*c*) section 4 (possessing any thing with intent to damage property).

F52**[***Offences relating to passports.*

18A. An offence under any paragraph of section 20(1) of the Passports Act 2008.**]**

F53**[***Offences relating to travel documents*

18B. Any offence under any paragraph of section 209(1) of the International Protection Act 2026.**]**

Road Traffic Act offences

19. Any offence under the following provisions of the Road Traffic Act, 1961—

(*a*) section 53 (dangerous driving causing death or serious bodily harm);

F54**[***(b)* section 106 (duties on occurrence of accident);**]**

F55**[***(c)* section 112 (towing vehicle without authority).**]**

Offences in relation to aircraft and vehicles

20. Any offence under section 11 of the Air Navigation and Transport Act, 1973 (unlawful seizure of aircraft).

21. Any offence under section 3 of the Air Navigation and Transport Act, 1975 (unlawful acts against the safety of aviation).

22. Any offence under section 10 of the Criminal Law (Jurisdiction) Act, 1976 (unlawful seizure of vehicles).

F56**[***Maritime security offences*

22A. Any offence under section 2 of the Maritime Security Act 2004.**]**

Forgery etc. offences

23. F57**[**...**]**

24. F57**[**...**]**

Offences against the State

F58**[**25. Any offence under the Offences against the State Acts, 1939 to 1998.**]**

26. Treason.

Drugs offences

27. A drug trafficking offence within the meaning of section 3 (1) of the Criminal Justice Act, 1994.

F59**[**27A. F60**[**...**]]**

Public order offences

28. Any offence under the following provisions of the Criminal Justice (Public Order) Act, 1994—

(*a*) section 14 (riot);

(*b*) section 15 (violent disorder);

F61**[**(*c*) section 16 (affray), and

(*d*) section 17 (blackmail, extortion and demanding money with menaces).**]**

F62**[***Organised Crime.*

28A. An offence under section 71, F63**[**71A,**]** 72 or 73 of the Criminal Justice Act 2006.**]**

Accomplices

29. References in this Schedule to an offence include references to participation as an accomplice of a person who commits the offence.

Attempts and conspiracy

F64**[**30. An offence of attempting or conspiring to commit, or inciting the commission of, any offence mentioned in this Schedule.**]**

F65**[***Torture*

31. Any offence under the Criminal Justice (United Nations Convention against Torture) Act, 2000.**]**

F66**[***Offences against United Nations workers*

32. Any offence under the Criminal Justice (Safety of United Nations Workers) Act, 2000.**]**

F67**[***Suppression of Terrorism.*

33. Any offence under the Criminal Justice (Terrorist Offences) Act 2005.**]**

F68**[***Offences under the Prisons Act 2007.*

34. Any offence under section 36 of the Prisons Act 2007.**]**

F69**[***Money Laundering.*

35. Any offence under Part 2 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010.**]**

F70**[***Offences relating to psychoactive substances*.

36. Any offence under the following provisions of the Criminal Justice (Psychoactive Substances) Act 2010—

(*a*) section 3 (prohibition of sale, etc. of psychoactive substances);

(*b*) section 4 (prohibition of sale of certain objects);

(*c*) section 5 (prohibition of advertising of psychoactive substances, etc.);

(*d*) section 8(6) (failure or refusal to comply with a prohibition order);

(*e*) section 10(8) (failure or refusal to comply with a closure order).**]**

F71**[***Offences relating to biological weapons*

37. An offence under section 2 or 3 of the Biological Weapons Act 2011.**]**

F73**[***Offences relating to female genital mutilation*

38. An offence under section 2, 3 or 4 of the Criminal Justice (Female Genital Mutilation) Act 2012.**]**

F73**[***Offences Relating to Information Systems*

39. An offence under section 2, 3, 4, 5 or 6 of the Criminal Justice (Offences Relating to Information Systems) Act 2017.**]**

F73**[***Corruption Offences*

39A. Any offence under the Prevention of Corruption Acts 1889 to 2010.

40. An offence under any section, other than section 18(1), of the Criminal Justice (Corruption Offences) Act 2018.**]**

F74**[***Offences under the Health (Regulation of Termination of Pregnancy) Act 2018*

41. Any offence under section 23 of the Health (Regulation of Termination of Pregnancy) Act 2018.**]**

F75**[***Offence under the Harassment, Harmful Communications and Related Offences Act 2020*

42. An offence under section 2 of the Harassment, Harmful Communications and Related Offences Act 2020.**]**

F76**[***Offences under the Criminal Justice (Perjury and Related Offences) Act 2021*

43. Any offence under the Criminal Justice (Perjury and Related Offences) Act 2021.**]**

F77**[***Offences relating to smuggling of persons*

43. Any offence under section 2 of the Illegal Immigrants (Trafficking) Act 2000.

44. Any offence under section 6, 7, 8 or 14 of the Criminal Justice (Smuggling of Persons) Act 2021.**]**

F78**[***Offences under the Criminal Justice (Engagement of Children in Criminal Activity) Act 2024*

45. An offence under the Criminal Justice (Engagement of Children in Criminal Activity) Act 2024.**]**

Number 16 *of* 1997

BAIL ACT 1997

REVISED

Updated to 12 June 2026

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Bail Acts 1997 and 2007: this Act is one of a group of Acts included in this collective citation (*Criminal Justice Act 2007* (29/2007), s. 1(3)). The Acts in this group are:

- *Bail Act 1997* (16/1997)
- *Criminal Justice Act 2007* (29/2007), Part 2 (ss. 5-23)

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at
www.irishstatutebook.ie.