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No. 4 of 2026

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First Session Thirteenth Parliament Republic of  
Trinidad and Tobago

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HOUSE OF REPRESENTATIVES

**BILL**

AN ACT to amend the Bail Act, Chap. 4:60

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## THE BAIL (AMENDMENT) BILL, 2026

### **Explanatory Note**

(These notes form no part of the Bill but are intended only to indicate its general purport)

The purpose of the Bill is to amend section 5 of the Bail Act, Chap. 4:60 (the Act) to expressly provide that an accused must show exceptional circumstances or sufficient cause to justify the granting of bail where an application for bail is made under section 5(5). The Bill also seeks to make provision for the restriction of bail, in relation to all offences, to an accused in instances where the accused or his surety are unable to prove that the source of the cash in relation to the posting of cash bail, or real property used to secure bail, was legitimately obtained.

The Bill seeks to provide the Court with the power to consider or inquire into the source of the cash or real property that is used to post or secure bail in relation to all offences by an accused or the surety. The Bill empowers the Court to conduct the Bail Source Hearing, on its own motion or on the request of the prosecution. The Bill also places a burden of proof on the person proffering the cash or real property to show that the cash or real property were acquired through legitimate means. The Bill further places a duty of confidentiality on persons who are privy to the financial information being shared by the accused or surety during a Bail Source Hearing to keep the information confidential, and also creates an offence for the unlawful dissemination of such financial information. Finally, the Bill seeks to fortify the Statutory Declaration of a surety, who now has to declare that the source of the cash or real property used to post or secure bail for the accused was derived from legitimate means.

The Bill contains nine clauses, and requires a three-fifths majority vote under section 13(2) of the Constitution.

Clause 1 of the Bill seeks to provide the short title and commencement provision of the Act, for which this is the Bill.

Clause 2 of the Bill provides that the Act shall have effect even though it is inconsistent with the Constitution.

Clause 3 of the Bill seeks to provide the interpretation provision.

Clause 4 of the Bill seeks to provide for a definition of a Bail Source Hearing.

Clause 5 of the Bill seeks to amend section 5 of the Act to expressly provide that where an application for bail is made pursuant to section 5(5), the accused is required to show exceptional circumstances or sufficient cause, as the case may be, to justify the granting of bail.

Clause 6 of the Bill seeks to provide the Court with a power to deny bail to an accused in relation to all offences, if having completed a Bail Source Hearing, it is satisfied that the source of the cash or real property used by the accused or the surety to secure bail was derived from illegitimate means.

Clause 7 of the Bill seeks to introduce section 6B into the Act which provides for a Court to conduct a Bail Source Hearing in instances where the accused or his surety attempts to post bail in cash at a minimum amount of thirty thousand dollars, or secure bail by providing a certified copy of a Deed. Also, this clause sets out that the burden of establishing that the source of cash or real property used to secure bail was derived from legitimate means rests upon the person proffering the cash or real property. Provision is also made for the person proffering cash or real property to post or secure bail to request that the Court conduct the Bail Source Hearing in camera. Finally, a duty of confidentiality is imposed on persons who are privy to the financial information of an accused or surety, and also creates an offence for the unlawful dissemination of such financial information.

Clause 8 of the Bill seeks to amend section 16(2) to include the source of the cash or real property used by a surety to post or secure bail for the accused as a factor for the Court to have regard to, in considering the suitability of a proposed surety.

Clause 9 of the Bill seeks to amend the Statutory Declaration to be completed by a surety contained in the Second Schedule of the Act, to now stipulate that the surety declares that the source of the cash or real property used to post or secure bail for the accused were derived from legitimate means.

THE BAIL (AMENDMENT) BILL, 2026

**Arrangement of Clauses**

*Clause*

1. Short title and commencement
2. Act inconsistent with Constitution
3. Interpretation
4. Section 3 amended
5. Section 5 amended
6. Section 6 amended
7. New section 6B inserted
8. Section 16 amended
9. Second Schedule amended

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[ , 2026]

WHEREAS it is enacted by section 13(1) of the Preamble Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that



Master may grant bail in accordance with subsection (2)(a), (3) or (4), as the case may be, and subsection (8)”; and

- (c) in subsection (8), by deleting the words “and (4)” and substituting the words “, (4) and (5)”.

**6.** The Act is amended in section 6(2) by—

Section 6 amended

- (a) deleting the word “or” at the end of paragraph (f);
- (b) deleting the full stop at the end of paragraph (g) and substituting the words “; or”; and
- (c) inserting the following new paragraph after paragraph (g):

“(h) where the Court, having completed a Bail Source Hearing, is satisfied that the source of cash or real property used by the accused or the surety to post or secure bail was derived from illegitimate means.”.

**7.** The Act is amended by inserting after section 6A the following new section:

New section 6B inserted

“Bail Source Hearing

**6B.** (1) A Court shall conduct a Bail Source Hearing in relation to all offences, where, in attempting to post or secure bail, the accused or the surety presents—

- (a) cash in the sum of thirty thousand dollars or more; or
- (b) a certified copy of a Deed.

(2) During a Bail Source Hearing, the burden of establishing that the source of the cash or real property used to post or secure bail was derived from legitimate means shall rest upon the person proffering the cash or real property.

(3) The person proffering cash or real property to post or secure bail may request that the Court conduct the Bail Source Hearing in camera in order to protect his financial information.

(4) A person who—

(a) is involved in the conduct of a Bail Source Hearing and obtains or is furnished with;  
or

(b) comes into possession or has knowledge of,

directly or indirectly, any facts, information or records that was revealed during a Bail Source Hearing shall keep such facts, information or records confidential, except in so far as any written or unwritten law permits the person to disclose them, or to report or take official action in relation to them.

(5) A person who contravenes subsection (4) commits an offence and is liable—

(a) on summary conviction to a fine of fifty thousand dollars and to imprisonment for six months; or

(b) on conviction on indictment to a fine of one hundred thousand dollars and to imprisonment for one year.”.

Section 16 amended

**8.** The Act is amended in section 16(2)(a)(i) by inserting after the word “business”, the words “and to the source of the cash or real property used to post or secure bail for the accused”.



Passed in the Senate this            day of            , 2026.

*Clerk of the Senate*

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say, by the votes of        Senators.

*Clerk of the Senate*

I confirm the above.

*President of the Senate*

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No. 4 of 2026

FIRST SESSION  
**THIRTEENTH PARLIAMENT**  
REPUBLIC OF  
TRINIDAD AND TOBAGO

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Received and read the

First time .....

Second time .....

Third time .....

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