

- If you are asked to produce a surety or deposit some money, you must do so before you can get bail.
- You will then be required to sign a bail bond. A bail bond is a legal paper in which you promise to pay a sum of money if you do not turn up to Court when you are required to do so.
- If you do not attend Court when you are required to do so, you will not get your money back.

### What if I do not get bail?

If the Magistrate does not give you bail, you can ask the High Court to review your case. To do this, you can prepare an application yourself and ask the officer in charge in prison, for your application for review, to be taken to the High Court Registry, where a date will be set and the Judge will decide whether you will be given bail. Alternatively, you may seek assistance to apply for bail in the High Court from a lawyer in the Public Solicitor's Office.

### What happens if I do not go to court When I am supposed to?

- The Court may order you to pay an amount from your bail bond as a penalty.
- The Magistrate/Judge may issue a warrant of arrest against you.
- Your bail may be cancelled and you may be held in prison until your trial.
- If you do miss your court date:
  - Go to the Court Registry and ask for your case to be recalled.
  - Tell the Magistrate/Judge why you did not go to Court when you were meant to.
  - Ask for bail.

### About the Public Solicitor's Office

The Public Solicitor's Office is an independent public office established under the Constitution to provide legal aid, advice and assistance to persons in need. Please ask at our offices for the circumstances and conditions of how we can assist you with your legal problems.

#### **Honiara Office**

Placemakers Building,  
P.O. Box 553  
Honiara, Solomon Islands.  
☎ 22348/28404/28405/28406

#### **Lata Office**

☎ 53004

#### **Kirakira Office**

☎ 50153

#### **Auki Office**

(within the precincts of  
the Auki Magistrate's Court)  
PO BOX Auki 44  
☎ 40008/40006

#### **Munda Office**

☎ 6204

✉ [pubsol@psol.gov.sb](mailto:pubsol@psol.gov.sb)

#### **Gizo Office**

(next to the Gizo Magistrate's Court)  
PO BOX Gizo 84  
☎ 60682

### Honiara Legal Clinics Timetable

#### **Family Legal Clinic**

Tuesdays  
9.00am to 12.00noon

#### **Criminal Legal Clinic**

Thursdays Wednesdays  
2.00pm to 4.00pm

#### **Civil Legal Clinic**

Wednesdays  
2.00pm to 4.00pm

#### **Land Legal Clinic**

Fridays  
9.00am to 12.00noon

**Legal Clinic for People with Disabilities, every Thursday on a fortnightly basis from 9am to 1pm. People with Disabilities Solomon Islands (PWDSI) Office, DSE Building, New China Town.**

**Australian  
Aid** 



**DISCLAIMER:** The information displayed on this page is provided for information purposes only and does not constitute legal advice. If you have a legal problem, you should see a lawyer.



**PSO** PUBLIC  
SOLICITOR'S  
OFFICE

If you are charged with an offence by the Police you may have the opportunity to be released until your case is heard in court.

### What is bail?

- Bail is a promise to the court by a person charged that they will come back to court and not commit any offences.
- If you are granted bail, this means that you do not have to be kept in custody while you are waiting for your case to be determined by the Courts.
- Everyone has the right to bail but the court can refuse bail if the Crown can prove that you will not come to court or commit further offences.
- The court can impose conditions on your bail if it will reduce your risk of you not coming to court or committing further offences.

### Who can apply for bail?

- You can apply for bail if you have been charged with an offence; OR
- If you have been convicted of an offence and sentenced, but you want to appeal against the conviction and sentence; OR
- If you have been charged with an offence and have been in custody for a long time; OR
- Sometimes, you may apply for bail if you have been convicted of an offence but not yet sentenced.

### How do I apply for bail?

- If you have a lawyer, they can apply for bail for you.
- If you do not have a lawyer, you can apply for bail yourself.
- If you have been arrested and charged by the Police and put in a Police cell, tell the Police officer in charge of your case that you want to apply for bail.
- The Police can release you on bail in some cases. This is called Police bail.
- If you do not get Police bail, you have to wait until your first appearance in Court.

When you go to Court ask the Magistrate for bail. The Magistrate will then decide whether or not you can be released on bail.

- If you are charged with a serious offence like murder, you have to apply to the High Court for bail. In such cases bail is rarely granted.

### What should I say to apply for bail?

- Tell the Magistrate/Judge that you have somewhere to live until the next court date, employment, and family responsibilities.
- Tell the Magistrate/Judge you promise to come to Court on the days you are told to come.
- Tell the Magistrate/Judge that you will obey any bail conditions that are imposed.

### The granting of bail

- If the Magistrate/Judge gives you bail, you will be taken back to the Police cell or Court office where the Court staff will prepare your bail papers.
- A Court officer will give you the paper and explain it to you. Then you have to sign it.
- Once you have signed it you will be released.

### Bail conditions

- When bail is granted, there will be certain conditions attached to it.
- These conditions are rules you have to obey to stay out of prison. If you do not obey all the conditions, you may be taken to prison and/or fined.
- There will always be the condition that you must turn up to Court on time for all your Court dates.
- Other bail conditions that may be imposed include:
  - reporting to the Police station nearest to your home,
  - not changing your address, handing over your passport to the Court, not seeing or contacting witnesses, or staying away from certain places.
  - The conditions you have to obey will be on your bail paper.
  - It is possible to change bail conditions. To change any of the conditions you have to go back to the Police in the case of Police bail, or otherwise to the Magistrate/Judge, and explain why you want the condition changed.

### Sureties

- A surety is the person responsible for you (the court defendant) while you are on bail and awaiting trial.
- This person must ensure that you appear in Court whenever you are required to do so.
- If your case is a serious one, the Magistrate/Judge may ask you to find a surety.
- A surety must be someone who has not been in trouble with the police and should not be your spouse.
- You may also be ordered to deposit some money in Court. This is called cash bail.