

## Legal Masterclass: *Bail Applications*

### Description

You had too much to drink and went behind the wheel of your car. As a result of your intoxicated state, you are driving recklessly. You are stopped by the police who indicate that you have contravened the law by drinking and driving. You are arrested and taken into custody?? What happens next? How can you be released? What procedure must follow?

Bail is an avenue of criminal procedure and maybe defined as a non-penal procedural mechanism whereby an accused held in custody is temporarily released before the commencement of trial proceedings. The dynamics and workings of bail and the laws that govern it in South Africa will be examined in the Legal Masterclass series

### Structure of workshop

#### Day 1

- Introduction, concepts, and components of the criminal justice system
- History of South African criminal procedure
- Courts and participants in the criminal justice system
- Constitutional rights in a criminal trial

#### Day 2

- Pre-trial procedures
- The ascertainment of bodily features of persons
- Search and seizure
- Summons and prosecuting authority discretion to prosecute
- Charge sheet
- Bail
- Influence of the constitution and bail
- Procedural aspects of bail
- Factors that influence bail
- Section 60(4) of the criminal procedure Act
- Different kinds of bail
- Judicial officers' role in bail

#### Day 3

- Determining bail conditions
- Peremptory and discretionary bail conditions
- Determining bail amount
- Release or amendment of bail conditions
- Failure of accused on bail to appear at trial
- Cancellation of bail
- Appeal on a refusal of bail

### Mode of Delivery

Online.

### Admission requirements

This SLP is open to people working in a legal, business, regulatory, financial environment or any potential student who has completed Grade 12 studies and has a keen interest in many or a specific area of law.

### Assessments

There are no assessments.

### Masterclass Facilitator

Dr Franaaz Khan is an Admitted Attorney and Senior Lecturer in the Private Law department at the University of Johannesburg. She holds qualifications in Bachelor of Laws (LLB) degree, a Master of Laws (LLM) degree and Doctor of Philosophy (PhD) degree in Law from the University of KwaZulu-Natal. Dr Khan has been lecturing for more than a decade and practiced as an attorney

before joining academia. Dr Khan practiced extensively as an attorney in criminal and civil law. Her research interests are in Criminal Justice, Business Law, Constitutional law and Education. She has also published articles in the South African Crime quarterly journal and De Jure focusing on criminal law.

