

Status: Point in time view as at 01/01/2004.

Changes to legislation: *Bail Act 1976, Cross Heading: Exceptions to right to bail is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULES

SCHEDULE 1

PERSONS ENTITLED TO BAIL: SUPPLEMENTARY PROVISIONS

PART I

DEFENDANTS ACCUSED OR CONVICTED OF IMPRISONABLE OFFENCES

Exceptions to right to bail

- 2 The defendant need not be granted bail if the court is satisfied that there are substantial grounds for believing that the defendant, if released on bail (whether subject to conditions or not) would—
- (a) fail to surrender to custody, or
 - (b) commit an offence while on bail, or
 - (c) interfere with witnesses or otherwise obstruct the course of justice, whether in relation to himself or any other person.
- [^{F1}2A The defendant need not be granted bail if—
- (a) the offence is an indictable offence or an offence triable either way; and
 - (b) it appears to the court that he was on bail in criminal proceedings on the date of the offence.]

Textual Amendments

F1 Sch. 1 Pt. I para. 2A inserted (10.4.1995) by 1994 c. 33, s. 26(a); S.I. 1995/721, art. 2, Sch.

- [^{F2}2B The defendant need not be granted bail in connection with extradition proceedings if—
- (a) the conduct constituting the offence would, if carried out by the defendant in England and Wales, constitute an indictable offence or an offence triable either way; and
 - (b) it appears to the court that the defendant was on bail on the date of the offence.]

Textual Amendments

F2 Sch. 1 para. 2B inserted (1.1.2004) by Extradition Act 2003 (c. 41), ss. 198(13), 221; S.I. 2003/3103, art. 2 (with arts. 3, 4) (as amended (18.12.2003) by S.I. 2003/3312, art. 2)

- 3 The defendant need not be granted bail if the court is satisfied that the defendant should be kept in custody for his own protection or, if he is a child or young person, for his own welfare.

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- 4 The defendant need not be granted bail if he is in custody in pursuance of the sentence of a court or of any authority acting under any of the Services Acts.
- 5 The defendant need not be granted bail where the court is satisfied that it has not been practicable to obtain sufficient information for the purpose of taking the decisions required by this Part of this Schedule for want of time since the institution of the proceedings against him.
- 6 The defendant need not be granted bail if, having been released on bail in or in connection with the proceedings for the offence ^{F3} or the extradition proceedings], he has been arrested in pursuance of section 7 of this Act.

Textual Amendments

- F3** Words in Sch. 1 para. 6 inserted (1.1.2004) by Extradition Act 2003 (c. 41), ss. 198(14), 221; S.I. 2003/3103, art. 2 (with arts. 3, 4) (as amended (18.12.2003) by S.I. 2003/3312, art. 2)

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