

## SCHEDULES

### SCHEDULE 2

Section 12.

#### CONSEQUENTIAL AND OTHER AMENDMENTS OF ACTS

##### *Habeas Corpus Act 1679*

- 1 In section 2 of the Habeas Corpus Act 1679 (bail for persons released from custody under habeas corpus while awaiting trial) for the words from " discharge the said prisoner " to " his or their appearance in" there shall be substituted the words " grant bail in accordance with the Bail Act 1976 to the said prisoner subject to a duty to appear before " and for the words "and the said recognizance or recognizances " there shall be substituted the words " together with the recognizance of any surety for him ".

##### *Metropolitan Police Act 1839*

- 2 In section 69 (persons arrested to be kept in custody or bailed) for the words " give bail for his appearance " there shall be substituted the words " be granted bail subject to a duty to appear ".

##### *Criminal Law Amendment Act 1867*

- 3 In section 10 of the Criminal Law Amendment Act 1867 (production from prison without habeas corpus where recognizances for appearance have been taken) for the words from the beginning to " such court " there shall be substituted the words " Where a person who has been granted bail in criminal proceedings is, while awaiting trial for the offence before the Crown Court, in prison ".

##### *Coroners Act 1887*

- 4 In section 5(3) of the Coroners Act 1887 (procedure on inquisition charging a person with homicide), before the word "recognizances" there shall be inserted the word " any " and at the end there shall be added the words " together with the record of any decision of his granting bail to or withholding bail from the person charged by the inquisition. "

##### *Interpretation Act 1889*

- 5 In section 27 of the Interpretation Act 1889 (meaning of " committed for trial") for the words "to custody" wherever occurring there shall be substituted the words " in custody or on bail " and the words from " and shall include " to the end shall be omitted.

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*Perjury Act 1911*

- 6 In section 9(1) of the Perjury Act 1911 (bail for person directed by the court to be prosecuted for perjury) for the words "admit him to bail" there shall be substituted the words " grant him bail " .

*Criminal Justice Administration Act 1914*

- 7 In section 19 of the Criminal Justice Administration Act 1914 (continuous bail otherwise than in proceedings in magistrates' courts), for the words "the recognizance may be conditioned" there shall be substituted the words " the court may, where it remands him on bail in criminal proceedings (within the meaning of the Bail Act 1976) direct him to appear or, in any other case, direct that his recognizance be conditioned " .

*Indictments Act 1915*

- 8 In section 5(5)(c) of the Indictments Act 1915 (bail where separate trial or postponed trial ordered) for the words "admitting the accused person to bail" there shall be substituted the words " granting the accused person bail " .

*Children and Young Persons Act 1933*

- 9 In section 13(2) of the Children and Young Persons Act 1933 (police bail for person arrested for serious offence against juvenile) for the words from "on his entering" to the end there shall be substituted the words " on bail in accordance with the Bail Act 1976 subject to a duty to appear at the hearing of the charge " .

*Public Order Act 1936*

- 10 In section 1(2) of the Public Order Act 1936 (right to release on bail in certain circumstances of persons charged with wearing uniforms in public), for the words "discharged from custody on entering into a recognizance" there shall be substituted the words " released on bail " .

*Criminal Justice Act 1948*

- 11 (1) Section 37 of the Criminal Justice Act 1948 (powers of High Court to grant bail on appeals against and other proceedings questioning convictions or sentences) shall be amended as follows.
- (2) In subsection (1), in paragraph (b), for the words " release on bail" there shall be substituted the words " grant bail to " .
- (3) In subsection (1), for paragraph (d), there shall be substituted the following—
- “(d) the High Court may grant bail to a person who has been convicted or sentenced by a magistrates' court and has applied to the High Court for an order of certiorari to remove the proceedings into the High Court or has applied to the High Court for leave to make such an application ;”.
- (4) After subsection (1) there shall be inserted the following subsection—

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“(1A) Where the court grants bail to a person under paragraph (d) of subsection (1) above—

- (a) the time at which he is to appear in the event of the conviction or sentence not being quashed by the High Court shall be such time within ten days after the judgment of the High Court has been given as may be specified by the High Court; and
- (b) the place at which he is to appear in that event shall be a magistrates' court acting for the same petty sessions area as the court which convicted or sentenced him.”

(5) In subsection (6), for the words " admitted to " wherever occurring there shall be substituted the words " released on ".

*Representation of the People Act 1949*

- 12 In section 149(7) of the Representation of the People Act 1949 (bail by election court ordering trial before magistrates' court of offences disclosed on an election petition) for the words " cause him to give bail" there shall be substituted the words " grant him bail in accordance with the Bail Act 1976 subject to a duty ".

*Diseases of Animals Act 1950*

- 13 In section 71(4) of the Diseases of Animals Act 1950 (application of enactments about release on bail by police) for the words "recognizances taken" there shall be substituted the word " bail ".

*Magistrates' Courts Act 1952*

- 14 In section 7 of the Magistrates' Courts Act 1952 (discharge or committal for trial) (in this Schedule referred to as " the Act of 1952 ") for subsection (2) there shall be substituted the following subsection—

“(2) Subject to section 4 of the Bail Act 1976 and section 8 of this Act, the court may commit a person for trial—

- (a) in custody, that is to say, by committing him to custody there to be safely kept until delivered in due course of law, or
- (b) on bail in accordance with the Bail Act 1976, that is to say, by directing him to appear before the Crown Court for trial;

and where his release on bail is conditional on his providing one or more surety or sureties and, in accordance with section 8(3) of the Bail Act 1976, the court fixes the amount in which the surety is to be bound with a view to his entering into his recognizance subsequently in accordance with subsections (4) and (5) or (6) of that section the court shall in the meantime commit the accused to custody in accordance with paragraph (a) of this subsection.”.

- 15 In section 7(3) of the Act of 1952 (bail after committal for trial), for the words from " release " to the end, there shall be substituted the words " grant him bail in accordance with the Bail Act 1976 subject to a duty to appear before the Crown Court for trial. "

- 16 In section 8 of the Act of 1952 (bail in treason) for the words " admitted to " there shall be substituted the word " granted ".

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- 17 In section 26 of the Act of 1952 (remand for medical examination), for subsection (3) there shall be substituted the following—
- “(3) Where on an adjournment under subsection (1) above the accused is remanded on bail, the court shall impose conditions under paragraph (d) of section 3(6) of the Bail Act 1976 and the requirements imposed as conditions under that paragraph shall be or shall include requirements that the accused—
- (a) undergo medical examination by a duly qualified medical practitioner or, where the inquiry is into his mental condition and the court so directs, two such practitioners; and
- (b) for that purpose attend such an institution or place, or on such practitioner as the court directs and, where the inquiry is into his mental condition, comply with any other directions which may be given to him for that purpose by any person specified by the court or by a person of any class so specified”.
- 18 In section 38(1) of the Act of 1952 (bail on arrest without warrant), for the words from " release " to the end there shall be substituted the words " grant him bail in accordance with the Bail Act 1976 subject to a duty to appear before a magistrates' court at such time and place as the officer appoints " .
- 19 After section 38(1) of the Act of 1952 there shall be inserted the following subsection—
- “(1A) Where a person has been granted bail under subsection (1) above, the magistrates' court before which he is to appear may appoint a later time as the time at which he is to appear and may enlarge the recognizances of any sureties for him to that time.”
- 20 In section 38(2) of the Act of 1952, for the words from " release " to " recognizance " in the second place where it occurs, there shall be substituted the words " grant him bail in accordance with the Bail Act 1976 subject to a duty to appear at such a police station and at such a time as the officer appoints " and for the words " any such recognizance " there shall be substituted the words " the recognizance of any surety for that person " .
- 21 Section 38(3) of the Act of 1952 (recognizance by parent or guardian on release of child or young person on bail) shall be omitted.
- 22 In section 89(1) of the Act of 1952 (terms of bail on appeal or case stated)—
- (a) for the words from " release " to " conditioned " there shall be substituted the words " grant him bail. "; and
- (b) for paragraphs (a) and (b) there shall be substituted the following subsection—
- “(1A) If a person is granted bail under subsection (1) above, the time and place at which he is to appear (except in the event of the determination in respect of which the case is stated being reversed by the High Court) shall be—
- (a) if he has given notice of appeal, the Crown Court at the time appointed for the hearing of the appeal;
- (b) if he has applied for the statement of a case, the magistrates' court at such time within ten days after the

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- judgment of the High Court has been given as may be specified by the magistrates' court;  
and any recognizance that may be taken from him or from any surety for him shall be conditioned accordingly.”
- 23 In section 89(3) of the Act of 1952 (computation of sentence where bail granted pending hearing of case stated), for the words "admitted to" wherever occurring there shall be substituted the words "released on".
- 24 For section 93 of the Act of 1952 (warrants endorsed for bail), there shall be substituted the following—
- “93 (1) A justice of the peace on issuing a warrant for the arrest of any person may grant him bail by endorsing the warrant for bail, that is to say, by endorsing the warrant with a direction in accordance with subsection (2) below.
- (2) A direction for bail endorsed on a warrant under subsection (1) above shall—
- (a) in the case of bail in criminal proceedings, state that the person arrested is to be released on bail subject to a duty to appear before such magistrates' court and at such time as may be specified in the endorsement;
- (b) in the case of bail otherwise than in criminal proceedings, state that the person arrested is to be released on bail on his entering into such a recognizance (with or without sureties) conditioned for his appearance before a magistrates' court as may be specified in the endorsement;
- and the endorsement shall fix the amounts in which any sureties and, in a case falling within paragraph (b) above, that person is or are to be bound.
- (3) Where a warrant has been endorsed for bail under subsection (1) above, then, on the person referred to in the warrant being taken to a police station on arrest under the warrant; the officer in charge of the police station shall (subject to his approving any surety tendered in compliance with the endorsement) release him from custody as directed in the endorsement.”
- 25 At the end of section 94 of the Act of 1952 (variation of terms of bail), there shall be added the following words—
- “Provided that this section does not apply in relation to a person granted bail in criminal proceedings”.
- 26 In section 105 of the Act of 1952 (exercise of powers to remand in custody or on bail), for subsection (1) there shall be substituted the following—
- “(1) Where a magistrates' court has power to remand any person, then, subject to section 4 of the Bail Act 1976 and to any other enactment modifying that power, the court may—
- (a) remand him in custody, that is to say, commit him to custody to be brought before the court at the end of the period of remand or at such earlier time as the court may require ; or
- (b) where it is inquiring into or trying an offence alleged to have been committed by that person or has convicted him of an offence, remand him on bail in accordance with the Bail Act 1976, that is to say, by directing him to appear as provided in subsection (3) of this section ; or

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- (c) except in a case falling within paragraph (b) above, remand him on bail by taking from him a recognizance (with or without sureties) conditioned as provided in that subsection;

and may, in a case falling within paragraph (c) above, instead of taking recognizances in accordance with that paragraph, fix the amount of the recognizances with a view to their being taken subsequently in accordance with section 95 of this Act

- (1A) Where the court fixes the amount of a recognizance under subsection (1) of this section or section 8(3) of the Bail Act 1976 with a view to its being taken subsequently the court shall in the meantime commit the person so remanded to custody in accordance with paragraph (a) of the said subsection (1).”

27 In section 105 of the Act of 1952, for subsection (3) there shall be substituted the following—

“(3) Where a person is remanded on bail under subsection (1) of this section the court may, where it remands him on bail in accordance with the Bail Act 1976 direct him to appear or, in any other case, direct that his recognizance be conditioned for his appearance—

- (a) before that court at the end of the period of remand; or  
 (b) at every time and place to which during the course of the proceedings the hearing may be from time to time adjourned;

and, where it remands him on bail conditionally on his providing a surety during an inquiry into an offence alleged to have been committed by him, may direct that the recognizance of the surety be conditioned to secure that the person so bailed appears—

- (c) at every time and place to which during the course of the proceedings the hearing may be from time to time adjourned and also before the Crown Court in the event of the person so bailed being committed for trial mere.

- (3A) Where a person is directed to appear or a recognizance is conditioned for a person's appearance in accordance with paragraph (b) or (c) of subsection (3) of this section, the fixing at any time of the time for him next to appear shall be deemed to be a remand; but nothing in this or the last preceding subsection shall deprive the court of power at any subsequent hearing to remand him afresh.”

28 (1) Section 106 of the Act of 1952 (further remands) shall be amended as follows.

(2) In subsection (2), for the words after " further time " there shall be substituted the words—

- “(a) where he was granted bail in criminal proceedings, includes power to enlarge the recognizance of any surety for him to a later time;  
 (b) where he was granted bail otherwise than in criminal proceedings, may be exercised by enlarging his recognizance and those of any sureties for him to a later time.”

(3) For subsection (3), there shall be substituted the following subsection—

“(3) Where a person remanded on bail is bound to appear before a magistrates' court at any time and the court has no power to remand him under subsection (1) of this section, the court may in his absence—

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- (a) where he was granted bail in criminal proceedings, appoint a later time as the time at which he is to appear and enlarge the recognizances of any sureties for him to that time ;
- (b) where he was granted bail otherwise than in criminal proceedings, enlarge his recognizance and those of any sureties for him to a later time ;

and the appointment of the time or the enlargement of his recognizance shall be deemed to be a further remand.”

(4) At the end of the section there shall be added the following subsection—

“(4) Where a magistrates' court commits a person for trial on bail and the recognizance of any surety for him has been conditioned in accordance with paragraph (a) of subsection (3) of the last preceding section the court may, in the absence of the surety, enlarge his recognizance so that he is bound to secure that the person so committed for trial appears also before the Crown Court.”.

29 In section 126(1) of the Act of 1952 (definitions), there shall be inserted at the appropriate place the following definition—

“‘bail in criminal proceedings ’ has the same meaning as in the Bail Act 1976”.

#### *Administration of Justice Act 1960*

30 In section 4(2) of the Administration of Justice Act 1960 (power to grant bail in appeals from Divisional Courts), after the words " in relation to " there shall be inserted the words " the time and place of appearance appointed and " and, after the words " entered into ", there shall be inserted the words " by any surety ".

31 In section 6(1) of the Administration of Justice Act 1960 (computation of sentence where bail granted in appeals to House of Lords) for the words " admitted to " there shall be substituted the word " granted " and for the words "at large after being so admitted " there shall be substituted the words " released on bail ".

32 In section 16(2) of the Administration of Justice Act 1960 (variation of sentence on certiorari) for the words " at large after being admitted to bail" there shall be substituted the words " released on bail ".

#### *Backing of Warrants (Republic of Ireland) Act 1965*

33 (1) Section 5 of the Backing of Warrants (Republic of Ireland) Act 1965 shall be amended as follows.

(2) In subsection (1), for paragraph (b) and the words following that paragraph there shall be substituted the following—

- “(b) remand him on bail in accordance with the Bail Act 1976, that is to say, direct him to surrender himself into the custody of the officer in charge of a specified police station at the time to be appointed by that officer and notified in writing to the person so remanded;

and where his release on bail is conditional on his providing one or more surety or sureties and, in accordance with section 8(3) of that Act, the court fixes the amount in which the surety is to be bound with a view to his entering into his recognizance

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subsequently in accordance with subsections (4) and (5) or (6) of that section the court shall in the meantime commit him to the custody of a constable.”

- (3) In subsection (2), there shall be substituted, for the words from the beginning to "so served" the words "The time to be appointed for the purposes of subsection (1) above by the officer and notified to the person so remanded".
- (4) In subsection (3), for the words from "release" to the end there shall be substituted the words "grant him bail in accordance with the Bail Act 1976 subject to a duty to surrender himself into the custody of the officer in charge of the station specified under subsection (1) above at the time appointed by that officer and notified in writing to him; and subsection (2) above shall apply to the appointment of a time for the purposes of this subsection as it applies to the appointment of a time for the purposes of subsection (1) above."
- (5) In subsection (4), for the words "in the recognizance" there shall be substituted the words "under subsection (1) above" and for the words "release him" there shall be substituted the words "grant him bail".

#### *Criminal Justice Act 1967*

- 34 Section 18 of the Criminal Justice Act 1967 (restrictions on refusal of bail by magistrates' courts in criminal proceedings) shall be omitted.
- 35 In section 19(1) of the Criminal Justice Act 1967 (restriction on justices sitting after dealing with bail) for the words "the question of the defendant's admission to bail" there shall be substituted the words "whether the defendant shall be granted bail".
- 36 Section 21 of the Criminal Justice Act 1967 (power to impose special conditions of bail) shall be omitted.
- 37 (1) Section 22 of the Criminal Justice Act 1967 (extension of power of High Court to grant, or vary conditions of, bail) shall be amended as follows.
- (2) For subsections (1) and (2) there shall be substituted the following—
- “(1) Where an inferior court withholds bail in criminal proceedings or imposes conditions in granting bail in criminal proceedings, the High Court may grant bail or vary the conditions.
- (2) Where the High Court grants a person bail under this section it may direct him to appear at a time and place which the inferior court could have directed and the recognizance of any surety shall be conditioned accordingly.”
- (3) In subsection (3) for the words "admitted to" wherever occurring there shall be substituted the word "granted".
- (4) At the end of subsection (4) there shall be added the word "&" and 'bail in criminal proceedings' and 'vary' have the same meanings as they have in the Bail Act 1976."

#### *Criminal Appeal Act 1968*

- 38 In section 8(2) and (3) of the Criminal Appeal Act 1968 (bail etc on retrial), in paragraph (a), for the words "admission to" there shall be substituted the words "release on".



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- 39 In section 16(3) of the Criminal Appeal Act 1968 (orders pending trial on reversal of finding of unfitness) for the words " admission to " there shall be substituted the words " release on " .
- 40 In section 19 of the Criminal Appeal Act 1968 (bail on appeal to Court of Appeal) for the words "admit him to" there shall be substituted the words " grant him " .
- 41 In section 29(3) of the Criminal Appeal Act 1968 (computation of sentence where bail granted by Court of Appeal) for the words " admitted to " there shall be substituted the word " granted " and for the words "at large after being so admitted" there shall be substituted the words " released on bail " .
- 42 In section 31(2) of the Criminal Appeal Act 1968 (powers of Court of Appeal exercisable by single judge), for paragraph (e), there shall be substituted the following—  
“(e) to grant bail to an appellant”.
- 43 In section 36 of the Criminal Appeal Act 1968 (bail on appeal from Court of Appeal) for the words " admit him to " there shall be substituted the words " grant him " .
- 44 In section 43(1) of the Criminal Appeal Act 1968 (computation of sentence where bail granted on appeal to House of Lords) for the words "admitted to" there shall be substituted the word " granted " and for the words "at large after being so admitted" there shall be substituted the words " released on bail " .
- 45 In Schedule 2 to the Criminal Appeal Act 1968 (provisions about retrial) in paragraph 2(3)(b) for the words "at large after being admitted to bail" there shall be substituted the words " released on bail " .

#### *Courts-Martial (Appeals) Act 1968*

- 46 In section 45(2) of the Courts-Martial (Appeals) Act 1968 (computation of sentence where bail granted on appeal to House of Lords) for the words " admitted to" there shall be substituted the word " granted " and for the words "at large after being so admitted" there shall be substituted the words " released on bail " .

#### *Children and Young Persons Act 1969*

- 47 In section 29 of the Children and Young Persons Act 1969, (release or further detention of arrested child or young person), for subsection (2), there shall be substituted the following:—  
“(2) Where a parent or guardian enters into a recognizance to secure that the child or young person appears at the hearing of the charge, the recognizance may, if the said officer thinks fit, be conditioned for the attendance of the parent or guardian at the hearing in addition to the person arrested.”:  
and subsection (6) shall be omitted.

#### *Courts Act 1971*

- 48 (1) Section 13 of the Courts Act 1971 (bail in the Crown Court) shall be amended as follows.
- (2) At the beginning of subsection (1) there shall be inserted the words " Any direction to appear and " and after the words " specified in the " , there shall be inserted the word " direction. " .

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- (3) In subsection (4), for the words preceding the paragraphs there shall be substituted the words " The Crown Court may grant bail to any person— ",  
and for the words " admitted to " there shall be substituted the words " released on ".
- (4) For subsection (5)(a) there shall be substituted the following paragraph—  
“(a) except in the case of bail in criminal proceedings, allowing the court, instead of requiring a person to enter into a recognizance, to consent to his giving other security.”
- (5) At the end of subsection (6) there shall be added the following words—  
“Provided that in the case of bail in criminal proceedings, the person arrested shall not be required to enter into a recognizance.”
- (6) At the end of the section there shall be added the following subsection—  
“(10) In this section 'bail in criminal proceedings' has the same meaning as in the Bail Act 1976”.