Bail Act 1976

1976 CHAPTER 63

Incidents of bail in criminal proceedings

[F1 3AA [F2 Conditions for the imposition of electronic monitoring requirements: children and young persons [F3 released on bail other than in extradition proceedings]]

[F4 (1) A court may not impose electronic monitoring requirements on a child or young person **[F5** released on bail in criminal proceedings of the kind mentioned in section 1(1)(a) or (b)**]** unless each of the following conditions is met.**]**

(2) The first condition is that the child or young person has attained the age of twelve years.

(3) The second condition is that—

(a) the child or young person is charged with or has been convicted of a violent **[F6**, sexual or terrorism**]** offence, or an offence punishable in the case of an adult with imprisonment for a term of fourteen years or more; or

(b) he is charged with or has been convicted of one or more imprisonable offences which, together with any other imprisonable offences of which he has been convicted in any proceedings—

(i) amount, or

(ii) would, if he were convicted of the offences with which he is charged, amount,

to a recent history of repeatedly committing imprisonable offences while remanded on bail or **[F7** subject to a custodial remand**]**.

[F8 (4) The third condition is that the court is satisfied that the necessary provision for dealing with the person concerned can be made under arrangements for the electronic monitoring of persons released on bail that are currently available in each local justice area which is a relevant area.**]**

(5) The fourth condition is that a youth offending team has informed the court that in its opinion the imposition of **[F9** electronic monitoring requirements**]** will be suitable in the case of the child or young person.

Changes to legislation: *Bail Act 1976, Section 3AA is up to date with all changes known to be in force on or before 27 May 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) View outstanding changes*

[F10](6) . . . . . .

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[[F11](11) The references in subsection (3)(b) to an imprisonable offence include a reference to an offence—

(a) of which the child or young person has been convicted outside England and Wales, and

(b) which is equivalent to an offence that is punishable with imprisonment in England and Wales.

(12) The reference in subsection (3)(b) to a child or young person being subject to a custodial remand is to the child or young person being—

(a) remanded to local authority accommodation or youth detention accommodation under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012,

(b) remanded to local authority accommodation under section 23 of the Children and Young Persons Act 1969 or to prison under that section as modified by section 98 of the Crime and Disorder Act 1998 or under section 27 of the Criminal Justice Act 1948, or

(c) subject to a form of custodial detention in a country or territory outside England and Wales while awaiting trial or sentence in that country or territory or during a trial in that country or territory.**]]**

Textual Amendments

F1 S. 3AA inserted (1.3.2002) by 2001 c. 16, **s. 131(2)**; S.I. 2002/344, **art. 2** (with transitional provisions in art. 4)

F2 S. 3AA heading substituted (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 11 para. 3(2)**; S.I. 2008/2712, art. 2, Sch. para. 15

F3 Words in s. 3AA heading inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 11 para. 4(2)**; S.I. 2012/2906, art. 2(i)

F4 S. 3AA(1) substituted (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 11 para. 3(3)**; S.I. 2008/2712, art. 2, Sch. para. 15

F5 Words in s. 3AA(1) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 11 para. 4(3)**; S.I. 2012/2906, art. 2(i)

F6 Words in s. 3AA(3)(a) substituted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(3), **Sch. 4 para. 3(3)** (with s. 25(3)(4))

F7 Words in s. 3AA(3)(b) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 15(2)**; S.I. 2012/2906, art. 2(j)

F8 S. 3AA(4) substituted (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 11 para. 3(4)**; S.I. 2008/2712, art. 2, Sch. para. 15

F9 Words in s. 3AA(5) substituted (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 11 para. 3(5)**; S.I. 2008/2712, art. 2, Sch. para. 15

F10 S. 3AA(6)-(10) repealed (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 11 para. 3(6), **Sch. 28 Pt. 4**; S.I. 2008/2712, art. 2, Sch. paras. 1519(3)(b)

F11 S. 3AA(11)(12) substituted for s. 3AA(11) (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 15(3)**; S.I. 2012/2906, art. 2(j) [Editorial note: a previous subsection (12) was repealed (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 11 para. 3(6), Sch. 28 Pt. 4; S.I. 2008/2712, art. 2, Sch. paras. 1519(3)(b)]

Modifications etc. (not altering text)

C1 S. 3AA applied (3.12.2014) by The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141), regs. 1(b), **88(4)(b)**

C2 S. 3AA(4) modified (3.12.2014) by The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141), regs. 1(b), **78(3)(a)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act words substituted by 2005 c. 4 Sch. 11 para. 4
- Blanket Amendment words substituted by 2005 c. 4 Sch. 11 para. 1(2)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(6A)(a)(iia) inserted by 2003 c. 44 Sch. 36 para. 2(3)
- s. 5(6A)(a)(iiia) and word inserted by 2003 c. 44 Sch. 36 para. 2(4)