



# Bail Act 1976

## 1976 CHAPTER 63

### *Supplementary*

#### **8 Bail with sureties.**

- (1) This section applies where a person is granted bail in criminal proceedings on condition that he provides one or more surety or sureties for the purpose of securing that he surrenders to custody.
- (2) In considering the suitability for that purpose of a proposed surety, regard may be had (amongst other things) to—
  - (a) the surety's financial resources;
  - (b) his character and any previous convictions of his; and
  - (c) his proximity (whether in point of kinship, place of residence or otherwise) to the person for whom he is to be surety.
- (3) Where a court grants a person bail in criminal proceedings on such a condition but is unable to release him because no surety or no suitable surety is available, the court shall fix the amount in which the surety is to be bound and subsections (4) and (5) below, or in a case where the proposed surety resides in Scotland subsection (6) below, shall apply for the purpose of enabling the recognizance of the surety to be entered into subsequently.
- (4) Where this subsection applies the recognizance of the surety may be entered into before such of the following persons or descriptions of persons as the court may by order specify or, if it makes no such order, before any of the following persons, that is to say—
  - (a) where the decision is taken by a magistrates' court, before a justice of the peace<sup>F1</sup>... or a police officer who either is of the rank of inspector or above or is in charge of a police station or, if [<sup>F2</sup>Criminal Procedure Rules] so provide, by a person of such other description as is specified in the rules;
  - (b) where the decision is taken by the Crown Court, before any of the persons specified in paragraph (a) above or, if [<sup>F3</sup>Criminal Procedure Rules] so provide, by a person of such other description as is specified in the rules;

*Changes to legislation: Bail Act 1976, Section 8 is up to date with all changes known to be in force on or before 13 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) View outstanding changes*

- (c) where the decision is taken by the High Court or the Court of Appeal, before any of the persons specified in paragraph (a) above or, if [F4Civil Procedure Rules or Criminal Procedure Rules] so provide, by a person of such other description as is specified in the rules;
- (d) where the decision is taken by the [F5Court Martial Appeal Court], before any of the persons specified in paragraph (a) above or, if [F6Court Martial Appeal Rules] so provide, by a person of such other description as is specified in the rules;
- and [F7Civil Procedure Rules, Criminal Procedure Rules or F8Court Martial Appeal Rules] may also prescribe the manner in which a recognizance which is to be entered into before such a person is to be entered into and the persons by whom and the manner in which the recognizance may be enforced.
- (5) Where a surety seeks to enter into his recognizance before any person in accordance with subsection (4) above but that person declines to take his recognizance because he is not satisfied of the surety's suitability, the surety may apply to—
- the court which fixed the amount of the recognizance in which the surety was to be bound, or
  - a magistrates' court <sup>F9</sup> ...,
- for that court to take his recognizance and that court shall, if satisfied of his suitability, take his recognizance.
- (6) Where this subsection applies, the court, if satisfied of the suitability of the proposed surety, may direct that arrangements be made for the recognizance of the surety to be entered into in Scotland before any constable, within the meaning of the [F10Police and Fire Reform (Scotland) Act 2012], having charge at any police office or station in like manner as the recognizance would be entered into in England or Wales.
- (7) Where, in pursuance of subsection (4) or (6) above, a recognizance is entered into otherwise than before the court that fixed the amount of the recognizance, the same consequences shall follow as if it had been entered into before that court.

#### Textual Amendments

- F1** Words in s. 8(4)(a) omitted (6.4.2020) by virtue of [Courts and Tribunals \(Judiciary and Functions of Staff\) Act 2018 \(c. 33\), s. 4\(3\), Sch. para. 3](#); S.I. 2020/24, reg. 3(b)
- F2** Words in s. 8(4)(a) substituted (1.9.2004) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 186\(2\)\(a\)](#); S.I. 2004/2066, art. 2(c)(ix) (with art. 3)
- F3** Words in s. 8(4)(b) substituted (1.9.2004) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 186\(2\)\(b\)](#); S.I. 2004/2066, art. 2(c)(ix) (with art. 3)
- F4** Words in s. 8(4)(c) substituted (1.9.2004) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 186\(2\)\(c\)](#); S.I. 2004/2066, art. 2(c)(ix) (with art. 3)
- F5** Words in s. 8(4)(d) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 16 para. 76\(a\)\(i\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F6** Words in s. 8(4)(d) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 16 para. 76\(a\)\(ii\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F7** Words in s. 8(4) substituted (1.9.2004) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 186\(2\)\(d\)](#); S.I. 2004/2066, art. 2(c)(ix) (with art. 3)

---

**Changes to legislation:** *Bail Act 1976, Section 8 is up to date with all changes known to be in force on or before 13 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) [View outstanding changes](#)*

---

- F8** Words in s. 8(4) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by **Armed Forces Act 2006 (c. 52)**, s. 383(2), **Sch. 16 para. 76(b)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F9** Words in s. 8(5)(b) repealed (1.4.2005) by **Courts Act 2003 (c. 39)**, s. 110(1), **Sch. 8 para. 186(3)**, **Sch. 10**; S.I. 2005/910, art. 3(y)
- F10** Words in s. 8(6) substituted (1.4.2013) by **The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602)**, art. 1(2), **Sch. 2 para. 13** (with Sch. 3 para. 8)

**Changes to legislation:**

Bail Act 1976, Section 8 is up to date with all changes known to be in force on or before 13 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.

[View outstanding changes](#)

**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\(4\)](#)