



Coroners and Justice Act 2009

2009 CHAPTER 25

PART 3

CRIMINAL EVIDENCE, INVESTIGATIONS AND PROCEDURE

CHAPTER 5

MISCELLANEOUS

VALID FROM 01/02/2010

Bail

114 Bail: risk of committing an offence causing injury

- (1) Part 1 of Schedule 1 to the Bail Act 1976 (c. 63) (defendants accused or convicted of imprisonable offences) is amended as follows.
- (2) After paragraph 6 insert—

“6ZA

If the defendant is charged with murder, the defendant may not be granted bail unless the court is of the opinion that there is no significant risk of the defendant committing, while on bail, an offence that would, or would be likely to, cause physical or mental injury to any person other than the defendant.”

- (3) In paragraph 9 (matters to which court is to have regard when taking decisions about granting bail)—
 - (a) after “6A” insert “ or of the opinion mentioned in paragraph 6ZA ”, and
 - (b) after paragraph (d) insert—

Status: Point in time view as at 01/01/2010. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners and Justice Act 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

“(e) 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 commit an offence while on bail, the risk that the defendant may do so by engaging in conduct that would, or would be likely to, cause physical or mental injury to any person other than the defendant.”.

115 Bail decisions in murder cases to be made by Crown Court judge

- (1) A person charged with murder may not be granted bail except by order of a judge of the Crown Court.
- (2) Subsections (3) and (4) apply where a person appears or is brought before a magistrates' court charged with murder.
- (3) A judge of the Crown Court must make a decision about bail in respect of the person as soon as reasonably practicable and, in any event, within the period of 48 hours beginning with the day after the day on which the person appears or is brought before the magistrates' court.
- (4) The magistrates' court must, if necessary for the purposes of subsection (3), commit the person to custody to be brought before a judge of the Crown Court.
- (5) For the purposes of subsections (3) and (4), it is immaterial whether the magistrates' court—
 - (a) sends the person to the Crown Court for trial, or
 - (b) adjourns proceedings under section 52(5) of the Crime and Disorder Act 1998 (c. 37) and remands the person.
- (6) In this section a reference to a person charged with murder includes a person charged with murder and one or more other offences.
- (7) For the purposes of subsection (3), when calculating the period of 48 hours Saturdays, Sundays, Christmas Day, Good Friday and bank holidays are to be excluded.

Status:

Point in time view as at 01/01/2010. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners and Justice Act 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations.