

These notes refer to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10) which received Royal Assent on 1 May 2012

LEGAL AID, SENTENCING AND PUNISHMENT OF OFFENDERS ACT 2012

EXPLANATORY NOTES

COMMENTARY

Part 3: Sentencing and punishment of offenders

Chapter 2: Bail

Section 90 and Schedule 11: Amendment of bail enactments

491. **Section 90** gives effect to Schedule 11 which amends the Bail Act 1976 (“the 1976 Act”), the Bail (Amendment) Act 1993 (“the 1993 Act”) and other legislation concerning bail.
492. The 1976 Act creates a general presumption in favour of bail, both before and after an offender is convicted. This general presumption is subject to certain exceptions which are set out in Schedule 1 to the Act: for example, if the defendant has previously failed to surrender to bail and the court believes that if released he would fail to do so again. Schedule 1 contains a number of Parts which set out the different exceptions that apply depending on whether the person has been accused or convicted of an indictable or summary offence that may or may not be punishable with imprisonment.
493. The 1993 Act creates a right for the prosecution to appeal to the Crown Court against the decision of a magistrates’ court to grant bail to a person charged with or convicted of an offence punishable by imprisonment.