



Criminal Justice Act 1967

1967 CHAPTER 80

PART I

CRIMINAL PROCEDURE, ETC.

Miscellaneous provisions as to evidence, procedure and trial

18 Restrictions on refusal of bail.

- (1) Where a person who has attained the age of seventeen is charged before a magistrates' court with a summary offence which is not also an indictable offence and is punishable with not more than six months' imprisonment, then, subject to the following provisions of this section, if the court adjourns the trial and remands him, it shall remand him on bail.
- (2) Where by virtue of section 18 or section 19 of the Magistrates' Courts Act 1952 (offences triable on indictment or summarily) a magistrates' court proceeds to try any such person as aforesaid summarily for an offence which is both a summary offence and an indictable offence and is punishable on summary conviction with not more than six months' imprisonment, or for an offence specified in Schedule 1 to that Act, then, subject to the following provisions of this section, if after he has pleaded to the charge the court adjourns the trial and remands him, it shall remand him on bail.
- (3) Where any such person as aforesaid is charged with a summary offence and he or the prosecutor claims that he shall be tried by jury, then, subject to the following provisions of this section, if the magistrates' court adjourns the inquiry as examining justices or commits him for trial, it shall remand or commit him on bail.
- (4) The foregoing provisions of this section shall not require a magistrates' court to remand or commit a person on bail if he fails to give the court or a person prescribed for the purposes of section 95 of the Magistrates' Courts Act 1952 a proper recognizance and to produce sufficient and satisfactory sureties if required to do so.
- (5) The foregoing provisions of this section shall not require a magistrates' court to remand or commit a person on bail—

Status: This is the original version (as it was originally enacted).

- (a) where he is charged with an offence punishable by that court with imprisonment for a term of not less than six months and it appears to the court that he has been previously sentenced to imprisonment or borstal training;
 - (b) where it appears to the court that, having been released on bail on any occasion, he has failed to comply with the conditions of any recognizance entered into by him on that occasion;
 - (c) where he is charged with an offence alleged to have been committed while he was released on bail;
 - (d) where it appears to the court that it is necessary to detain him to establish his identity or address;
 - (e) where it appears to the court that he has no fixed abode or that he is ordinarily resident outside the United Kingdom;
 - (f) where the act or any of the acts constituting the offence with which he is charged consisted of an assault on or threat of violence to another person, or of having or possessing a firearm, an imitation firearm, an explosive or an offensive weapon, or of indecent conduct with or towards a person under the age of sixteen years ;
 - (g) where it appears to the court that unless he is remanded or committed in custody he is likely to commit an offence; or
 - (h) where it appears to the court necessary for his own protection to refuse to remand or commit him on bail.
- (6) The requirements of subsections (1) and (2) of this section shall not apply to the adjournment of a trial by a magistrates' court under section 26 of the Magistrates' Courts Act 1952 for the purpose of enabling a medical examination and report to be made on the defendant if it appears to the court that it would be impracticable to obtain such a report without remanding the defendant in custody.
- (7) Where a magistrates' court refuses to remand or commit on bail any person who has attained the age of seventeen, the court shall, if he is not represented by counsel or a solicitor, inform him that he may apply to a judge of the High Court to be admitted to bail.
- (8) Where a magistrates' court refuses as aforesaid under subsection (5) of this section or otherwise refuses to commit any such person as aforesaid for trial on bail the court shall, if he is not so represented or if he is so represented and his counsel or solicitor so requests, give him a written notice stating the reason for the refusal.