



# Bail Act 1976

## 1976 CHAPTER 63

### *Preliminary*

#### **1 Meaning of “bail in criminal proceedings”.**

- (1) In this Act “bail in criminal proceedings” means—
  - (a) bail grantable in or in connection with proceedings for an offence to a person who is accused or convicted of the offence, or
  - (b) bail grantable in connection with an offence to a person who is under arrest for the offence or for whose arrest for the offence a warrant (endorsed for bail) is being issued.
- (2) In this Act “bail” means bail grantable under the law (including common law) for the time being in force.
- (3) Except as provided by section 13(3) of this Act, this section does not apply to bail in or in connection with proceedings outside England and Wales.
- <sup>F1</sup>(4) .....
- (5) This section applies—
  - (a) Whether the offence was committed in England or Wales or elsewhere, and
  - (b) whether it is an offence under the law of England and Wales, or of any other country or territory.
- (6) Bail in criminal proceedings shall be granted (and in particular shall be granted unconditionally or conditionally) in accordance with this Act.

#### **Extent Information**

**E1** For extent of s. 1 see s. 13(3)(4)

#### **Textual Amendments**

**F1** S. 1(4) repealed (10.4.1995) by 1994 c. 33, s. 168(3), **Sch.11**; S.I. 1995/721, art. 2, **Sch.** AppendixB

*Status: Point in time view as at 10/04/1995.*

*Changes to legislation: Bail Act 1976, Cross Heading: Preliminary is up to date with all changes known to be in force on or before 31 March 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)*

### Modifications etc. (not altering text)

- C1 Definition in s. 1 applied ( 1. 4. 1991) by [Prosecution of Offences Act 1985 \(c. 23, SIF 39:1\)](#), [s. 7A\(4\)](#); [S.I. 1991/608, art. 2, Sch.](#)

## 2 Other definitions.

- (1) In this Act, unless the context otherwise requires, “conviction” includes—
- (a) a finding of guilt,
  - (b) a finding that a person is not guilty by reason of insanity,
  - (c) a finding under [<sup>F2</sup>section 30(1) of the Magistrates’ Courts Act 1980] (remand for medical examination) that the person in question did the act or made the omission charged, and
  - (d) a conviction of an offence for which an order is made placing the offender on probation or discharging him absolutely or conditionally,
- and “convicted” shall be construed accordingly.
- (2) In this Act, unless the context otherwise requires—
- [<sup>F3</sup>“bail hostel” and “probation hostel” have the same meanings as in the Powers of Criminal Courts Act 1973,]
- “child” means a person under the age of fourteen,  
.....<sup>F4</sup>
- “court” includes a judge of a court, [<sup>F5</sup>or a justice of the peace] and, in the case of a specified court, includes a judge or (as the case may be) justice having powers to act in connection with proceedings before that court,
- “Courts-Martial Appeal rules” means rules made under section 49 of the <sup>M1</sup>Courts-Martial (Appeals) Act 1968,
- “Crown Court rules” means rules made under section 15 of the <sup>M2</sup>Courts Act 1971,
- “magistrates’ courts rules” means rules made under section 15 of the Justices of the <sup>M3</sup>Peace Act 1949.
- “offence” includes an alleged offence,
- “proceedings against a fugitive offender” means proceedings under [<sup>F6</sup>the Extradition Act 1989] or section 2(1) or 4(3) of the <sup>M4</sup>Backing of Warrants (Republic of Ireland) Act 1965,
- “Supreme Court rules” means rules made under section 99 of the <sup>M5</sup>Supreme Court of Judicature (Consolidation) Act 1925,
- “surrender to custody” means, in relation to a person released on bail, surrendering himself into the custody of the court or of the constable (according to the requirements of the grant of bail) at the time and place for the time being appointed for him to do so,
- “vary”, in relation to bail, means imposing further conditions after bail is granted, or varying or rescinding conditions,
- “young person” means a person who has attained the age of fourteen and is under the age of seventeen.
- (3) Where an enactment (whenever passed) which relates to bail in criminal proceedings refers to the person bailed appearing before a court it is to be construed unless the context otherwise requires as referring to his surrendering himself into the custody of the court.

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- (4) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment, including this Act.

#### Textual Amendments

- F2** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **Sch. 7 para. 143**
- F3** Definitions inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, **Sch. 15 para. 52**
- F4** Definition of “coroners' rules” repealed by [Criminal Law Act 1977 \(c. 45\)](#), **Sch. 13**
- F5** Words substituted by [Criminal Law Act 1977 \(c. 45\)](#), **Sch. 12**
- F6** Words substituted by [Extradition Act 1989 \(c. 33, SIF 48\)](#), **s. 36(3)**

#### Marginal Citations

- M1** 1968 c. 20.
- M2** 1971 c. 23.
- M3** 1949 c. 101.
- M4** 1965 c. 45.
- M5** 1925 c. 49.

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