

Status: Point in time view as at 10/04/1995.

Changes to legislation: Bail Act 1976, Part I is up to date with all changes known to be in force on or before 02 June 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)

SCHEDULES

SCHEDULE 1

PERSONS ENTITLED TO BAIL: SUPPLEMENTARY PROVISIONS

PART I

DEFENDANTS ACCUSED OR CONVICTED OF IMPRISONABLE OFFENCES

Defendants to whom Part I applies

- 1 Where the offence or one of the offences of which the defendant is accused or convicted in the proceedings is punishable with imprisonment the following provisions of this Part of this Schedule apply.

Exceptions to right to bail

- 2 The defendant need not be granted bail 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—
- (a) fail to surrender to custody, or
 - (b) commit an offence while on bail, or
 - (c) interfere with witnesses or otherwise obstruct the course of justice, whether in relation to himself or any other person.
- [^{F1}2A The defendant need not be granted bail if—
- (a) the offence is an indictable offence or an offence triable either way; and
 - (b) it appears to the court that he was on bail in criminal proceedings on the date of the offence.]

Textual Amendments

F1 Sch. 1 Pt. I para. 2A inserted (10.4.1995) by 1994 c. 33, s. 26(a); S.I. 1995/721, art. 2, Sch.

- 3 The defendant need not be granted bail if the court is satisfied that the defendant should be kept in custody for his own protection or, if he is a child or young person, for his own welfare.
- 4 The defendant need not be granted bail if he is in custody in pursuance of the sentence of a court or of any authority acting under any of the Services Acts.
- 5 The defendant need not be granted bail where the court is satisfied that it has not been practicable to obtain sufficient information for the purpose of taking the decisions required by this Part of this Schedule for want of time since the institution of the proceedings against him.

Status: Point in time view as at 10/04/1995.

Changes to legislation: Bail Act 1976, Part 1 is up to date with all changes known to be in force on or before 02 June 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)

- 6 The defendant need not be granted bail if, having been released on bail in or in connection with the proceedings for the offence, he has been arrested in pursuance of section 7 of this Act.

Exception applicable only to defendant whose case is adjourned for inquiries or a report

- 7 Where his case is adjourned for inquiries or a report, the defendant need not be granted bail if it appears to the court that it would be impracticable to complete the inquiries or make the report without keeping the defendant in custody.

Restriction of conditions of bail

- 8 (1) Subject to sub-paragraph (3) below, where the defendant is granted bail, no conditions shall be imposed under subsections (4) to (7) ^[F2](except subsection (6) (d)) of section 3 of this Act unless it appears to the court that it is necessary to do so for the purpose of preventing the occurrence of any of the events mentioned in paragraph 2 of this Part of this Schedule ^[F3] or, in the case of a condition under subsection (6)(d) of that section, that it is necessary to impose it to enable inquiries or a report to be made into the defendant's physical or mental condition ^[F4] or, where the condition is that the defendant reside in a bail hostel or probation hostel, that it is necessary to impose it to assess his suitability for being dealt with for the offence in a way which would involve a period of residence in a probation hostel.]]

^[F5](1A) No condition shall be imposed under section 3(6)(d) of this Act unless it appears to be necessary to do so for the purpose of enabling inquiries or a report to be made.]

- (2) ^[F6]Sub-paragraphs (1) and (1A) above also apply] on any application to the court to vary the conditions of bail or to impose conditions in respect of bail which has been granted unconditionally.

- (3) The restriction imposed by ^[F7]sub-paragraph (1A)]above shall not ^[F8]apply to the conditions required to be imposed under section 3(6A) of this Act or] operate to override the direction in ^[F9]section 30(2) of the Magistrates' Courts Act 1980] to a magistrates' court to impose conditions of bail under section 3(6)(d) of this Act of the description specified in ^[F9]the said section 30(2)] in the circumstances so specified.

Textual Amendments

- F2** Words in Sch. 1 para. 8 inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11, para. 22(2); S.I. 1992/333, art. 2(2), Sch.2.
- F3** Words in Sch. 1 para. 8 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 100, 101(2), Sch. 11, para. 22(2), Sch. 13; S.I. 1992/333, art. 2(2), Sch.2.
- F4** Words added by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 131(2), Sch. 8 para. 16
- F5** Sch. 1 para. 8(1A) inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 22(3); S.I. 1992/333, art. 2(2), Sch.2.
- F6** Words in Sch. 1 para. 8(2) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 22(4); S.I. 1992/333, art. 2(2), Sch.2.
- F7** Words in Sch. 1 para. 8(3) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 22(5); S.I. 1992/333, art. 2(2), Sch.2.
- F8** Words inserted by Mental Health (Amendment) Act 1982 (c. 51, SIF 85), s. 34(4)

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

Changes to legislation: Bail Act 1976, Part 1 is up to date with all changes known to be in force on or before 02 June 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)

F9 Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 7 para. 146](#)

Decisions under paragraph 2

- 9 In taking the decisions required by paragraph 2 [^{F10}or 2A] of this Part of this Schedule, the court shall have regard to such of the following considerations as appear to it to be relevant, that is to say—
- (a) the nature and seriousness of the offence or default (and the probable method of dealing with the defendant for it),
 - (b) the character, antecedents, associations and community ties of the defendant,
 - (c) the defendant's record as respects the fulfilment of his obligations under previous grants of bail in criminal proceedings,
 - (d) except in the case of a defendant whose case is adjourned for inquiries or a report, the strength of the evidence of his having committed the offence or having defaulted,
- as well as to any others which appear to be relevant.

Textual Amendments

F10 Words in [Sch. 1 Pt. I para. 9](#) inserted (10.4.1995) by [1994 c. 33, s. 26\(b\)](#); [S.I. 1995/721, art. 2](#), Sch.

[^{F11}9A (1) If—

- (a) the defendant is charged with an offence to which this paragraph applies; and
- (b) representations are made as to any of the matters mentioned in paragraph 2 of this Part of this Schedule; and
- (c) the court decides to grant him bail,

the court shall state the reasons for its decision and shall cause those reasons to be included in the record of the proceedings.

(2) The offences to which this paragraph applies are—

- (a) murder;
- (b) manslaughter;
- (c) rape;
- (d) attempted murder; and
- (e) attempted rape.]

Textual Amendments

F11 [Sch. 1 paras. 9A, 9B](#) inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 153, 155(2), [Sch. 8 para. 16](#)

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

Changes to legislation: Bail Act 1976, Part I is up to date with all changes known to be in force on or before 02 June 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)

f^{F12} Cases under section 128A of Magistrates' Courts Act 1980

Textual Amendments

F12 Sch. 1 paras. 9A, 9B inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 153, 155(2), **Sch. 8 para. 16**

- 9B Where the court is considering exercising the power conferred by section 128A of the Magistrates' Courts Act 1980 (power to remand in custody for more than 8 clear days), it shall have regard to the total length of time which the accused would spend in custody if it were to exercise the power.]

Status:

Point in time view as at 10/04/1995.

Changes to legislation:

Bail Act 1976, Part I is up to date with all changes known to be in force on or before 02 June 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.