

Status: Point in time view as at 03/12/2012.

Changes to legislation: Bail Act 1976, Cross Heading: Decisions under paragraph 2 is up to date with all changes known to be in force on or before 01 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

Decisions under paragraph 2

9 In taking the decisions required by paragraph ^{F1}2(1), or in deciding whether it is satisfied as mentioned in paragraph ^{F2}2ZA(1), ^{F3}or of the opinion mentioned in paragraph 6ZA ^{F4}or 6A] 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,
- ^{F5}(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,]

as well as to any others which appear to be relevant.

Textual Amendments

- F1** Words in Sch. 1 para. 9 substituted (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\), ss. 20\(2\), 336\(3\)\(4\)](#) (with s. 141); S.I. 2004/829, art. 2(1)(2)(b) (with art. 2(3))
- F2** Words in Sch. 1 Pt. 1 para. 9 substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 11 para. 19\(a\)](#); S.I. 2012/2906, art. 2(i)
- F3** Words in Sch. 1 para. 9 inserted (1.2.2010) by [Coroners and Justice Act 2009 \(c. 25\), ss. 114\(3\)\(a\)](#), 182(5) (with s. 180); S.I. 2010/145, art. 2(2), Sch. para. 7
- F4** Words in Sch. 1 Pt. 1 para. 9 inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 11 para. 19\(b\)](#); S.I. 2012/2906, art. 2(i)
- F5** Sch. 1 para. 9(e) inserted (1.2.2010) by [Coroners and Justice Act 2009 \(c. 25\), ss. 114\(3\)\(b\)](#), 182(5) (with s. 180); S.I. 2010/145, art. 2(2), Sch. para. 7

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[^{F6}9AA(1) This paragraph applies if—

- (a) the defendant is [^{F7}a child or young person], and
- (b) it appears to the court that he was on bail in criminal proceedings on the date of the offence.

- (2) In deciding for the purposes of paragraph 2(1) of this Part of this Schedule whether it 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 court shall give particular weight to the fact that the defendant was on bail in criminal proceedings on the date of the offence.]

Textual Amendments

- F6** Sch. 1 para. 9AA inserted (1.1.2007 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), ss. 14\(2\), 336\(3\)\(4\)](#) (with s. 141); [S.I. 2006/3217, art. 2\(a\)](#) (with art. 3(1))
- F7** Words in Sch. 1 Pt. 1 para. 9AA(1)(a) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 11 para. 20](#); [S.I. 2012/2906, art. 2\(i\)](#)

[^{F8}9AB(1) Subject to sub-paragraph (2) below, this paragraph applies if—

- (a) the defendant is [^{F9}a child or young person], and
- (b) it appears to the court that, having been released on bail in or in connection with the proceedings for the offence, he failed to surrender to custody.

- (2) Where it appears to the court that the defendant had reasonable cause for his failure to surrender to custody, this paragraph does not apply unless it also appears to the court that he failed to surrender to custody at the appointed place as soon as reasonably practicable after the appointed time.

- (3) In deciding for the purposes of paragraph 2(1) of this Part of this Schedule whether it is satisfied that there are substantial grounds for believing that the defendant, if released on bail (whether subject to conditions or not), would fail to surrender to custody, the court shall give particular weight to—

- (a) where the defendant did not have reasonable cause for his failure to surrender to custody, the fact that he failed to surrender to custody, or
- (b) where he did have reasonable cause for his failure to surrender to custody, the fact that he failed to surrender to custody at the appointed place as soon as reasonably practicable after the appointed time.

- (4) For the purposes of this paragraph, a failure to give to the defendant a copy of the record of the decision to grant him bail shall not constitute a reasonable cause for his failure to surrender to custody.]

Textual Amendments

- F8** Sch. 1 para. 9AB inserted (1.1.2007 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), ss. 15\(2\), 336\(3\)\(4\)](#) (with s. 141); [S.I. 2006/3217, art. 2\(a\)](#) (with art. 3(2))
- F9** Words in Sch. 1 Pt. 1 para. 9AB(1)(a) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 11 para. 21](#); [S.I. 2012/2906, art. 2\(i\)](#)

^{F10}9A

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Textual Amendments

F10 Sch. 1 para. 9A repealed (1.8.2001) by 2000 c. 16, ss. 129(4), 137, **Sch. 7 Pt. 6**; S.I. 2001/2223, **art. 3(i)(m)**

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