

Changes to legislation: Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes

SCHEDULES

SCHEDULE 1 Section 4.

PERSONS ENTITLED TO BAIL: SUPPLEMENTARY PROVISIONS

PART I

DEFENDANTS ACCUSED OR CONVICTED OF IMPRISONABLE OFFENCES

[^{F1}Application of Part 1]

Textual Amendments
F1 Words in [Sch. 1 Pt. 1 para. 1 cross-heading](#) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 11 para. 11](#); S.I. 2012/2906, art. 2(i)

^{F2}^{F3}(1) ^{F4}Subject to sub-paragraph (2),^{F5}and paragraph 1A] the following provisions of this Part of this Schedule apply to the defendant if—

- (a) the offence or one of the offences of which he is accused or convicted in the proceedings is punishable with imprisonment, or
- (b) his extradition is sought in respect of an offence.

^{F6}(2) But those provisions do not apply by virtue of sub-paragraph (1)(a) if the offence, or each of the offences punishable with imprisonment, is—

- (a) a summary offence; or
- (b) an offence mentioned in Schedule 2 to the Magistrates' Courts Act 1980 (offences for which the value involved is relevant to the mode of trial) in relation to which—
 - (i) a determination has been made under section 22(2) of that Act (certain either way offences to be tried summarily if value involved is less than the relevant sum) that it is clear that the value does not exceed the relevant sum for the purposes of that section; or
 - (ii) a determination has been made under section 9A(4) of this Act to the same effect.]]

Textual Amendments
F2 Sch. 1 Pt. I para. 1 substituted (1.1.2004) by [Extradition Act 2003 \(c. 41\), ss. 198\(12\), 221](#); S.I. 2003/3103, art. 2 (with arts. 3, 4) (as amended (18.12.2003) by S.I. 2003/3312, art. 2).
F3 Sch. 1 Pt. I para. 1: renumbered as Sch. 1 Pt. I para. 1(1) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 12 para. 5\(1\)](#); S.I. 2008/1586, art. 2(1), [Sch. 1 para. 27](#)
F4 Words in Sch. 1 Pt. I para. 1(1) inserted by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 12 para. 5\(2\)](#); S.I. 2008/1586, art. 2(1), [Sch. 1 para. 27](#)

Changes to legislation: Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes

- F5** Words in Sch. 1 Pt. 1 para. 1(1) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 11 para. 12](#); S.I. 2012/2906, [art. 2\(i\)](#)
- F6** Sch. 1 Pt. 1 para 1(2) inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 12 para. 5\(3\)](#); S.I. 2008/1586, art. 2(1), [Sch. 1 para. 27](#)

[^{F7}1A (1) The paragraphs of this Part of this Schedule mentioned in sub-paragraph (2) do not apply in relation to bail in non-extradition proceedings where—

- (a) the defendant has attained the age of 18,
- (b) the defendant has not been convicted of an offence in those proceedings, and
- (c) it appears to the court that there is no real prospect that the defendant will be sentenced to a custodial sentence in the proceedings.

(2) The paragraphs are—

- (a) paragraph 2 (refusal of bail where defendant may fail to surrender to custody, commit offences on bail or interfere with witnesses),
- (b) paragraph 2A (refusal of bail where defendant appears to have committed indictable or either way offence while on bail), and
- (c) paragraph 6 (refusal of bail where defendant has been arrested under section 7).]

Textual Amendments

- F7** Sch. 1 Pt. 1 para. 1A inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 11 para. 13](#); S.I. 2012/2906, art. 2(i)

Exceptions to right to bail

2 **[^{F8}(1)]** 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.

[^{F9}(2)] Where the defendant falls within paragraph 6B, this paragraph does not apply unless—

- (a) the court is of the opinion mentioned in paragraph 6A, or
- (b) paragraph 6A does not apply by virtue of paragraph 6C.]

Textual Amendments

- F8** Sch. 1 Pt. 1 para 2 renumbered as Sch. 1 Pt. 1 para. 2(1) (5.4.2004) by virtue of [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 20\(1\)](#), 336(3) (with s. 141); S.I. 2004/829, art. 2(1)(2) (with art. 2(3))
- F9** Sch. 1 Pt. 1 para. 2(2) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 11 para. 14](#); S.I. 2012/2906, [art. 2\(i\)](#)

[^{F10}2Z~~A~~(1) 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

Changes to legislation: *Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes*

subject to conditions or not), would commit an offence while on bail by engaging in conduct that would, or would be likely to, cause—

- (a) physical or mental injury to an associated person; or
- (b) an associated person to fear physical or mental injury.

- (2) In sub-paragraph (1) “associated person” means a person who is associated with the defendant within the meaning of section 62 of the Family Law Act 1996.]

Textual Amendments

F10 Sch. 1 Pt. 1 para. 2ZA inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 11 para. 15](#); S.I. 2012/2906, art. 2(i)

[^{F11}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 the defendant was on bail in criminal proceedings on the date of the offence.]

Textual Amendments

F11 Sch. 1 para. 2A substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 11 para. 16](#); S.I. 2012/2906, art. 2(i)

[^{F12}2B The defendant need not be granted bail in connection with extradition proceedings if—

- (a) the conduct constituting the offence would, if carried out by the defendant in England and Wales, constitute an indictable offence or an offence triable either way; and
- (b) it appears to the court that the defendant was on bail on the date of the offence.]

Textual Amendments

F12 Sch. 1 para. 2B inserted (1.1.2004) by [Extradition Act 2003 \(c. 41\)](#), ss. [198\(13\)](#), 221; S.I. 2003/3103, art. 2 (with [arts. 3, 4](#)) (as amended (18.12.2003) by S.I. 2003/3312, art. 2)

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 [^{F13}a sentence of a court or a sentence imposed by an officer under the Armed Forces Act 2006.]

Textual Amendments

F13 Words in Sch. 1 Pt. 1 para. 4 substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force)) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 78\(a\)](#); S.I. 2009/812, [art. 3\(a\)\(b\)](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Changes to legislation: Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes

Modifications etc. (not altering text)

- C1** Sch. 1 Pt. 1 para. 4 modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force)) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), [art. 1\(3\)](#), [Sch. 1 para. 15](#)

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.

[^{F14}6 The defendant need not be granted bail if, having previously been released on bail in, or in connection with, the proceedings, the defendant has been arrested in pursuance of section 7.]

Textual Amendments

- F14** Sch. 1 Pt. 1 para. 6 substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [s. 151\(1\)](#), [Sch. 11 para. 17](#); [S.I. 2012/2906](#), [art. 2\(i\)](#)

[^{F15}6ZA If the defendant is charged with murder, the defendant may not be granted bail unless the court is of the opinion that there is no significant risk of the defendant committing, while on bail, an offence that would, or would be likely to, cause physical or mental injury to any person other than the defendant.]

Textual Amendments

- F15** Sch. 1 Pt. 1 para. 6ZA inserted (1.2.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 114\(2\)](#), [182\(5\)](#) (with [s. 180](#)); [S.I. 2010/145](#), [art. 2\(2\)](#), [Sch. para. 7](#)

[^{F16}Exception applicable to drug users in certain areas

Textual Amendments

- F16** Sch. 1 paras. 6A-6C and headings inserted (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 19\(4\)\(a\)](#), [336\(3\)\(4\)](#) (with [s. 141](#)); [S.I. 2004/829](#), [art. 2\(1\)\(2\)\(b\)](#)

6A Subject to paragraph 6C below, a defendant who falls within paragraph 6B below may not be granted bail unless the court [^{F17}is of the opinion] that there is no significant risk of his committing an offence while on bail (whether subject to conditions or not).

Textual Amendments

- F17** Words in Sch. 1 Pt. 1 para. 6A substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [s. 151\(1\)](#), [Sch. 11 para. 18](#); [S.I. 2012/2906](#), [art. 2\(i\)](#)

Exception applicable to drug users in certain areas

6B (1) A defendant falls within this paragraph if—

Changes to legislation: *Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes*

- (a) he is aged 18 or over;
 - (b) a sample taken—
 - (i) under section 63B of the Police and Criminal Evidence Act 1984 (testing for presence of Class A drugs) in connection with the offence; or
 - ^[F18](ii) under section 34A of the Sentencing Code (pre-sentence drug testing),]has revealed the presence in his body of a specified Class A drug;
 - (c) either the offence is one under section 5(2) or (3) of the Misuse of Drugs Act 1971 and relates to a specified Class A drug, or the court is satisfied that there are substantial grounds for believing—
 - (i) that misuse by him of any specified Class A drug caused or contributed to the offence; or
 - (ii) (even if it did not) that the offence was motivated wholly or partly by his intended misuse of such a drug; and
 - (d) the condition set out in sub-paragraph (2) below is satisfied or (if the court is considering on a second or subsequent occasion whether or not to grant bail) has been, and continues to be, satisfied.
- (2) The condition referred to is that after the taking and analysis of the sample—
- (a) a relevant assessment has been offered to the defendant but he does not agree to undergo it; or
 - (b) he has undergone a relevant assessment, and relevant follow-up has been proposed to him, but he does not agree to participate in it.
- (3) In this paragraph and paragraph 6C below—
- (a) “Class A drug” and “misuse” have the same meaning as in the Misuse of Drugs Act 1971;
 - (b) “relevant assessment” and “relevant follow-up” have the meaning given by section 3(6E) of this Act;
 - (c) “specified” (in relation to a Class A drug) has the same meaning as in Part 3 of the Criminal Justice and Court Services Act 2000.

Textual Amendments

F18 Sch. 1 Pt. 1 para. 6B(1)(b)(ii) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 37\(2\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

C2 Sch. 1 para. 6B(2)(b) modified (1.12.2005 for specified purposes, 1.4.2007 in so far as not already in force) by [Drugs Act 2005 \(c. 17\)](#), [ss. 17\(3\)](#), [24\(3\)](#) (with s. 17(4)); S.I. 2005/3053, art. 2(2)(d); S.I. 2007/562, art. 2(2)(d)

Exception applicable to drug users in certain areas

- 6C Paragraph 6A above does not apply unless—
- (a) the court has been notified by the Secretary of State that arrangements for conducting a relevant assessment or, as the case may be, providing relevant follow-up have been made for the ^[F19]local justice area in which it appears to the court that the defendant would reside if granted bail; and

Changes to legislation: Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes

(b) the notice has not been withdrawn.]

Textual Amendments

F19 Words in Sch. 1 para. 6C(a) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 1, [Sch. para. 40](#)

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 ^{F20}(4) to (6B) or (7)]^{F21}(except subsection (6)(d) [^{F22}or (e)]) of section 3 of this Act unless it appears to the court ^{F23}that it is necessary to do so—
- (a) for the purpose of preventing the occurrence of any of the events mentioned in paragraph 2(1) of this Part of this Schedule, or
 - (b) for the defendant's own protection or, if he is a child or young person, for his own welfare or in his own interests.]
- ^{F24}[(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) [^{F25}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 [^{F26}sub-paragraph (1A)] above shall not [^{F27}apply to the conditions required to be imposed under section 3(6A) of this Act or] operate to override the direction in [^{F28}section 11(3) of the Powers of Criminal Courts (Sentencing) Act 2000] to a magistrates' court to impose conditions of bail under section 3(6)(d) of this Act of the description specified in [^{F29}the said section 11(3)] in the circumstances so specified.

Textual Amendments

- F20** Words in Sch. 1 para. 8(1) substituted (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 19\(4\)\(b\)](#), [336\(3\)\(4\)](#) (with [s. 141](#)); [S.I. 2004/829](#), art. 2(1)(2)(b)
- F21** 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](#).
- F22** Words in Sch. 1 para. 8(1) inserted (30.9.1998) by [1998 c. 37](#) s. 119, Sch. 8 para. 38; [S.I. 1998/2327](#), [art. 2\(2\)\(m\)](#).
- F23** Sch. 1 para. 8(1)(a)(b) substituted for words (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 13\(3\)](#), [336\(3\)\(4\)](#) (with [s. 141](#)); [S.I. 2004/829](#), art. 2(1)(2)(b)
- F24** 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](#).

Changes to legislation: Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes

- F25** 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](#).
- F26** 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](#).
- F27** Words inserted by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), s. 34(4)
- F28** Words in Sch. 1 Pt. I para. 8(3) substituted (25.8.2000) by [2000 c. 6](#), ss. 165(1), 168(1), [Sch. 9 para. 54\(2\)\(a\)](#)
- F29** Words in Sch. 1 Pt. I para. 8(3) substituted (25.8.2000) by [2000 c. 6](#), ss. 165(1), 168(1), [Sch. 9 para. 54\(2\)\(b\)](#)

Decisions under paragraph 2

- 9 In taking the decisions required by paragraph [^{F30}2(1), or in deciding whether it is satisfied as mentioned in paragraph [^{F31}2ZA(1)], [^{F32}or of the opinion mentioned in paragraph 6ZA]^{F33} 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,
 - [^{F34}(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

- F30** 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))
- F31** 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)
- F32** 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](#)
- F33** 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)
- F34** 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](#)

[^{F35}9A(1) This paragraph applies if—

- (a) the defendant is [^{F36}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.

Changes to legislation: Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes

- (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

- F35** 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\(1\)](#))
- F36** 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\(i\)](#)

[^{F37}9A~~B~~] Subject to sub-paragraph (2) below, this paragraph applies if—

- (a) the defendant is [^{F38}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

- F37** 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\(2\)](#))
- F38** 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\(i\)](#)

^{F39}9A

Textual Amendments

- F39** 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\(i\)\(m\)](#)

Changes to legislation: *Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes*

[^{F40} Cases under section 128A of Magistrates' Courts Act 1980

Textual Amendments

F40 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.]

[^{F41}PART 1A

DEFENDANTS ACCUSED OR CONVICTED OF IMPRISONABLE
OFFENCES TO WHICH PART 1 DOES NOT APPLY

Textual Amendments

F41 Sch. 1 Pt. 1A inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 12 para. 6**; [S.I. 2008/1586](#), art. 2(1), **Sch. 1 para. 27**

Defendants to whom Part 1A applies

- 1 [^{F42}Subject to paragraph 1A, the] following provisions of this Part apply to the defendant if—
- (a) the offence or one of the offences of which he is accused or convicted is punishable with imprisonment, but
 - (b) Part 1 does not apply to him by virtue of paragraph 1(2) of that Part.

Textual Amendments

F42 Words in Sch. 1 Pt. 1A para. 1 substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 11 para. 24**; [S.I. 2012/2906](#), art. 2(i)

Exceptions to right to bail

- 2 The defendant need not be granted bail if—
- (a) it appears to the court that, having been previously granted bail in criminal proceedings, he has failed to surrender to custody in accordance with his obligations under the grant of bail; and
 - (b) the court believes, in view of that failure, that the defendant, if released on bail (whether subject to conditions or not) would fail to surrender to custody.
- 3 The defendant need not be granted bail if—
- (a) it appears to the court that the defendant was on bail in criminal proceedings on the date of the offence; and

Changes to legislation: Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes

- (b) 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.
- 4 [The defendant need not be granted bail if the court is satisfied that there are
^{F43}(1)] substantial grounds for believing that the defendant, if released on bail (whether subject to conditions or not), would commit an offence while on bail by engaging in conduct that would, or would be likely to, cause—
- (a) physical or mental injury to [^{F44}an associated person]; or
- (b) [^{F44}an associated person] to fear physical or mental injury.
- [^{F45}(2) In sub-paragraph (1) “associated person” means a person who is associated with the defendant within the meaning of section 62 of the Family Law Act 1996.]

Textual Amendments

- F43** Sch. 1 Pt. 1A para. 4 renumbered Sch. 1 Pt. 1A para. 4(1) (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 11 para. 26\(2\)](#); S.I. 2012/2906, art. 2(i)
- F44** Words in Sch. 1 Pt. 1A para. 4(1)(a)(b) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 11 para. 26\(3\)](#); S.I. 2012/2906, art. 2(i)
- F45** Sch. 1 Pt. 1A para. 4(2) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 11 para. 26\(4\)](#); S.I. 2012/2906, art. 2(i)

- 5 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.
- 6 The defendant need not be granted bail if he is in custody in pursuance of a sentence of a court or a sentence imposed by an officer under the Armed Forces Act 2006.
- 7 The defendant need not be granted bail if —
- (a) 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; and
- (b) 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 fail to surrender to custody, commit an offence while on bail or interfere with witnesses or otherwise obstruct the course of justice (whether in relation to himself or any other person).
- 8 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.

Application of paragraphs 6A to 6C of Part 1

- 9 Paragraphs 6A to 6C of Part 1 (exception applicable to drug users in certain areas and related provisions) apply to a defendant to whom this Part applies as they apply to a defendant to whom that Part applies.]

Changes to legislation: Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes

PART II

DEFENDANTS ACCUSED OR CONVICTED OF NON-IMPRISONABLE OFFENCES

Defendants to whom Part II applies

- 1 Where the offence or every offence of which the defendant is accused or convicted in the proceedings is one which is not 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—
- [^{F46}(za) the defendant—
- (i) is a child or young person, or
 - (ii) has been convicted in the proceedings of an offence;]
 - (a) it appears to the court that, having been previously granted bail in criminal proceedings, he has failed to surrender to custody in accordance with his obligations under the grant of bail; and
 - (b) the court believes, in view of that failure, that the defendant, if released on bail (whether subject to conditions or not) would fail to surrender to custody.

Textual Amendments

- F46** Sch. 1 Pt. 2 para. 2(za) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 11 para. 28](#); [S.I. 2012/2906](#), [art. 2\(i\)](#)

- 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 [^{F47}a sentence of a court or a sentence imposed by an officer under the Armed Forces Act 2006.]

Textual Amendments

- F47** Words in Sch. 1 Pt. II para. 4 substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 78\(a\)](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

Modifications etc. (not altering text)

- C3** Sch. 1 Pt. II para. 4 modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), [art. 1\(3\)](#), [Sch. 1 para. 15](#)

- [^{F48}5 The defendant need not be granted bail if—
- [^{F49}(za) the defendant—
- (i) is a child or young person, or
 - (ii) has been convicted in the proceedings of an offence;]

Changes to legislation: Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes

- (a) 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; and
- (b) 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 fail to surrender to custody, commit an offence on bail or interfere with witnesses or otherwise obstruct the course of justice (whether in relation to himself or any other person).]

Textual Amendments

- F48** Sch. 1 Pt.2 para 5 substituted (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 13(4), 336(3) (with s. 141); S.I. 2004/829, art. 2(1)(2) (subject to art. 2(3)-(6))
- F49** Sch. 1 Pt. 2 para. 5(z) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 11 para. 29](#); S.I. 2012/2906, [art. 2\(i\)](#)

[^{F50}6 (1) The defendant need not be granted bail if—

- (a) having been released on bail in, or in connection with, the proceedings for the offence, the defendant has been arrested in pursuance of section 7, and
- (b) 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 by engaging in conduct that would, or would be likely to, cause—
 - (i) physical or mental injury to an associated person, or
 - (ii) an associated person to fear physical or mental injury.

(2) In sub-paragraph (1) “associated person” means a person who is associated with the defendant within the meaning of section 62 of the Family Law Act 1996.]

Textual Amendments

- F50** Sch. 1 Pt. 2 para. 6 inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 11 para. 29](#); S.I. 2012/2906, [art. 2\(i\)](#)

[^{F51}PART IIA

DECISIONS WHERE BAIL REFUSED ON PREVIOUS HEARING

Textual Amendments

- F51** Sch. 1 Pt. IIA inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 153, 155(2), [Sch. 8 para. 16](#)

- 1 If the court decides not to grant the defendant bail, it is the court’s duty to consider, at each subsequent hearing while the defendant is a person to whom section 4 above applies and remains in custody, whether he ought to be granted bail.
- 2 At the first hearing after that at which the court decided not to grant the defendant bail he may support an application for bail with any argument as to fact or law that he desires (whether or not he has advanced that argument previously).

Changes to legislation: Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes

- 3 At subsequent hearings the court need not hear arguments as to fact or law which it has heard previously.]

PART III

INTERPRETATION

- 1 For the purposes of this Schedule the question whether an offence is one which is punishable with imprisonment shall be determined without regard to any enactment prohibiting or restricting the imprisonment of young offenders or first offenders.

- [^{F52}2 References in this Schedule to previous grants of bail include—
- (a) bail granted before the coming into force of this Act;
 - (b) as respects the reference in paragraph 2A of Part 1 of this Schedule (as substituted by [^{F53}paragraph 16 of Schedule 11 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012]), bail granted before the coming into force of that paragraph;
 - (c) as respects the references in paragraph 6 of Part 1 of this Schedule (as substituted by [^{F54}paragraph 17 of Schedule 11 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012]), bail granted before the coming into force of that paragraph;
 - (d) as respects the references in paragraph 9AA of Part 1 of this Schedule, bail granted before the coming into force of that paragraph;
 - (e) as respects the references in paragraph 9AB of Part 1 of this Schedule, bail granted before the coming into force of that paragraph;
 - (f) as respects the reference in paragraph 5 of Part 2 of this Schedule (as substituted by section 13(4) of the Criminal Justice Act 2003), bail granted before the coming into force of that paragraph][^{F55};
 - (g) as respects the reference in paragraph 6 of Part 2 of this Schedule, bail granted before the coming into force of that paragraph.]

Textual Amendments

- F52** Sch. 1 Pt. III para. 2 substituted (1.1.2007) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3), **Sch. 36 para. 3**; S.I. 2006/3217, art. 2(b) (with art. 3)
- F53** Words in Sch. 1 Pt. 3 para. 2(b) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 11 para. 31(2)**; S.I. 2012/2906, art. 2(i)
- F54** Words in Sch. 1 Pt. 3 para. 2(c) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 11 para. 31(2)**; S.I. 2012/2906, art. 2(i)
- F55** Sch. 1 Pt. 3 para. 2(g) and semicolon inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 11 para. 31(4)**; S.I. 2012/2906, art. 2(i)

- 3 References in this Schedule to a defendant's being kept in custody or being in custody include (where the defendant is a child or young person) references to his being kept or being in [^{F56}accommodation pursuant to a remand under section 91(3) or (4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands to local authority accommodation or youth detention accommodation).]

Changes to legislation: Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes

Textual Amendments
F56 Words in Sch. 1 Pt. 3 para. 3 substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 12 para. 17](#); S.I. 2012/2906, [art. 2\(j\)](#) (with art. 7(2)(3))

4 In this Schedule—
“court”, in the expression “sentence of a court”, includes a service court as defined in section 12(1) of the ^{M1}Visiting Forces Act 1952 and “sentence”, in that expression, shall be construed in accordance with that definition;
“default”, in relation to the defendant, means the default for which he is to be dealt with under [^{F57}Part 2 of [^{F58}Schedule 10 to the Sentencing Code] (breach of requirement of order)];
^{F59} ...

Textual Amendments
F57 Sch. 1 Pt. 3 para. 4 words substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3), [Sch. 32 para. 23](#); S.I. 2005/950, art. 2(1), Sch. 1 para. 42(12) (with art. 2(2), Sch. 2).
F58 Words in Sch. 1 Pt. 3 para. 4 substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 37\(3\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
F59 Words in Sch. 1 Pt. 3 para. 4 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 78\(b\)](#); S.I. 2009/812, [art. 3\(a\)\(b\)](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Marginal Citations
M1 1952 c. 67.

SCHEDULE 2

Section 12.

CONSEQUENTIAL AND OTHER AMENDMENTS OF ACTS

Modifications etc. (not altering text)
C4 The text of Schedule 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

^{M2}*Habeas Corpus Act 1679*

Marginal Citations
M2 1679 c. 2.

1 In section 2 of the Habeas Corpus Act 1679 (bail for ersons released from custody under habeas corpus while awaiting trial) for the words from “discharge the said prisoner” to “his ot their appearance in” there shall be substituted the words “grant

Changes to legislation: Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) [View outstanding changes](#)

bail in accordance with the Bail Act 1976 to the said prisoner subject to a duty to appear before” and for the words “and the said recognizance or recognizances” there shall be substituted the words “together with the recognizance of any surety for him”.

2 F60

Textual Amendments
F60 Sch. 2 para. 2 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1

M3Criminal Law Amendment Act 1867

Marginal Citations
M3 1867 c. 35.

3 In section 10 of the Criminal Law Amendment Act 1867 (production from prison without habeas corpus where recognizances for appearance have been taken) for the words from the beginning to “such court” there shall be substituted the words “Where a person who has been granted bail in criminal proceedings is, while awaiting for trial for the offence before the Crown Court, in prison”.

4 F61

Textual Amendments
F61 Sch. 2 para. 4 repealed by Criminal Law Act 1977 (c. 45), Sch. 13

5 F62

Textual Amendments
F62 Sch. 2 para. 5 repealed by Interpretation Act 1978 (c. 30, SIF 115:1), Sch. 3

6 F63

Textual Amendments
F63 Sch. 2 para. 6 repealed by Prosecution of Offences Act 1985 (c. 23, SIF 39:1), s. 31(6), Sch. 2

M4Criminal Justice Administration Act 1914

Marginal Citations
M4 1914 c. 58.

7 In section 19 of the Criminal Justice Administration Act 1914 (continuous bail otherwise than in proceedings in magistrates’ courts), for the words “the

Changes to legislation: Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) [View outstanding changes](#)

recognizance may be conditioned” there shall be substituted the words “the court may, where it remands him on bail in criminal proceedings (within the meaning of the Bail Act 1976) direct him to appear or, in any other case, direct that his recognizance be conditioned”.

^{M5}Indictments Act 1915

Marginal Citations

M5 1915 c. 90

- 8 In section 5(5)(c) of the Indictment Act 1915 (bail where separate trial or postponed trial ordered) for the words “admitting the accused person to bail” there shall be substituted the words “granting the accused person bail”.

^{M6}Children and Young Persons Act 1933

Marginal Citations

M6 1933 c. 12.

- 9 In section 13(2) of the Children and Young Persons Act 1933 (police bail for person arrested for serious offence against juvenile) for the words from “on his entering” to the end there shall be substituted the words “on bail in accordance with the Bail Act 1976 subject to a duty to appear at the hearing of the charge”.

^{M7}Public Order Act 1936

Marginal Citations

M7 1 Edw. 8 & 1 Geo. 6. c. 6.

- 10 In section 1(2) of the Public Order Act 1936 (right to release on bail in certain circumstances of persons charged with wearing uniforms in public) for the words “discharged from custody on entering into a recognizance” there shall be substituted the words “released on bail”.

^{M8}Criminal Justice Act 1948

Marginal Citations

M8 1948 c. 58.

- 11 (1) Section 37 of the Criminal Justice Act 1948 (powers of High Court to grant bail on appeals against and other proceedings questioning convictions or sentences) shall be amended as follows.
- (2) In subsection (1), in paragraph (b), for the words “release on bail” there shall be substituted the words “grant bail to”.

Changes to legislation: Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) [View outstanding changes](#)

- (3) In subsection (1), for paragraph (d), there shall be substituted the following.
- “(d) the High Court may grant bail to a person who has been convicted or sentenced by a magistrates’ court and has applied to the High Court for an order of certiorari to remove the proceedings into the High Court or has applied to the High Court for leave to make such an application ;”.
- (4) After subsection (1) there shall be inserted the following subsection—
- “(1A) Where the court grants bail to a person under paragraph (d) of subsection (1) above—
- (a) the time at which he is to appear in the event of the conviction or sentence not being quashed by the High Court shall be such time within ten days after the judgement of the High Court has been given as may be specified by the High Court ; and
- (b) the place at which he is to appear in that event shall be a magistrates’ court acting for the same petty sessions area as the court which convicted or sentenced him.”
- (5) In subsection (6), for the words “admitted to” wherever occurring there shall be substituted the words “released on”.

12 F64

Textual Amendments

F64 Sch. 2 para. 12 repealed by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), [Sch. 9 Pt. II](#)

13 F65

Textual Amendments

F65 Sch. 2 para. 13 repealed by [Animal Health Act 1981 \(c. 22, SIF 4:4\)](#), [Sch. 7](#)

14—29. F66

Textual Amendments

F66 Sch. 2 paras. 14–29 repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

^{M9}Administration of Justice Act 1960

Marginal Citations

M9 1960 c. 65.

- 30 In section 4(2) of the Administration of Justice Act 1960 (power to grant bail in appeals from Divisional Courts), after the words “in relation to” there shall be inserted the words “the time and the place of appearance appointed and” and, after the words “entered into”, there shall be inserted the words “by any surety”.

Changes to legislation: Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes

31 In section 6(1) of the Administration of Justice Act 1960 (computation of sentence where bail granted in appeals to House of Lords) for the words “admitted to” there shall be substituted the words “granted” and for the words “at large after being so admitted” there shall be substituted the words “released on bail”.

32 F67

Textual Amendments

F67 Sch. 2 para. 32 repealed by Supreme Court Act 1981 (c. 54, SIF 37), Sch. 7

M10 Backing of Warrants (Republic of Ireland) Act 1965

Marginal Citations

M10 1965 c. 45.

F6833

Textual Amendments

F68 Sch. 2 para. 33 repealed (1.1.2004) by Extradition Act 2003 (c. 41), s. 221, Sch. 4; S.I. 2003/3103, art. 2 (with arts. 3-5) (as amended (11.12.2003) by S.I. 2003/3258, art. 2 and (18.12.2003) by S.I. 2003/3312, art. 2)

M11 Criminal Justice Act 1967

Marginal Citations

M11 1967 c. 80.

34 Section 18 of the Criminal Justice Act 1967 (restrictions on refusal of bail by magistrates’ courts in criminal proceedings) shall be omitted.

35 F69

Textual Amendments

F69 Sch. 2 para. 35 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 9

36 Section 21 of the Criminal Justice Act 1967 (power to impose special conditions of bail) shall be omitted.

37 (1) Section 22 of the Criminal Justice Act 1967 (extension of power of High Court to grant, or vary conditions of, bail) shall be amended as follows.

(2) For subsections (1) and (2) there shall be substituted the following—

“(1) Where an inferior court withholds bail in criminal proceedings or imposes conditions in granting bail in criminal proceedings, the High Court may grant bail or vary the conditions.

Changes to legislation: Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes

- (2) Where the High Court grants a person bail under this section it may direct him to appear at a time and place which the inferior court may have directed and the recognizance of any surety shall be conditioned accordingly.”
- (3) In subsection (3) for the words “admitted to” wherever occurring there shall be substituted the word “granted”.
- (4) At the end of subsection (4) there shall be added the words “and “bail in criminal proceedings” and “vary” have the same meaning as they have in the Bail Act 1976.”

^{M12}Criminal Appeal Act 1968

Marginal Citations

M12 1968 c. 19.

- 38 In section 8(2) and (3) of the Criminal Appeal Act 1968 (bail etc on retrial), in paragraph (a), for the words “admission to” there shall be substituted the words “released on”.

^{F70}39

Textual Amendments

F70 Sch. 2 para. 39 repealed (1.1.1992) by Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c. 25, SIF 39:1), s. 8(3), Sch. 4; S.I. 1991/2488, art.2

40—42. ^{F71}

Textual Amendments

F71 Sch. 2 paras. 40—42 repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), Sch. 16

- 43 In section 36 of the Criminal Appeal Act 1968 (bail on appeal from Court of Appeal) for the words “admit him to” there shall be substituted the words “grant him”.
- 44 In section 43(1) of the Criminal Appeal Act 1968 (computation of sentence where bail granted on appeal to House of Lords) for the words “admitted to” there shall be substituted the word “granted” and for the words “at large after being so admitted” there shall be substituted the words “released on bail”.
- 45 In Schedule 2 to the Criminal Appeal Act 1968 (provisions about retrial) in paragraph 2(3)(b) for the words “at large after being admitted to bail” there shall be substituted the words “released on bail”.

^{M13}Courts-Martial (Appeals) Act 1968

Marginal Citations

M13 1968 c. 20.

Changes to legislation: Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes

46 In section 45(2) of the Courts-Martial (Appeals) Act 1968 (computation of sentence where bail granted on appeal to House of Lords) for the words “admitted to” there shall be substituted the word “granted” and for the words “at large after being so admitted” there shall be substituted the words “released on bail”.

M14 Children and Young Persons Act 1969

Marginal Citations
M14 1969 c. 54.

47 In section 29 of the Children and Young Perons Act 1969 (release or further detention of arrested child or young person), for subsection (2), there shall be substituted the following—
“(2) Where a parent or guardian enters into a recognizance to secure that the child or young person appears at the hearing of the charge, the recognizance may, if the said officer thinks fit, be conditioned for the attendance of the parent or guardian at the hearing in addition to the person arrested.”and subsection (6) shall be omitted.

48 **F72**

Textual Amendments
F72 Sch. 2 para. 48 repealed by Supreme Court Act 1981 (c. 54, SIF 37), Sch. 7

SCHEDULE 3
Section 12.
REPEALS

Modifications etc. (not altering text)
C5 The text of Schedule 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short Title	Extent of Repeal
31 Chas. 2. c. 2.	The Habeas Corpus Act 1679	In section 5, the words “by recognizance”.
32 Geo. 3. c. 56.	The Servants’ Characters Act 1792	In section 6, the words “and enter into recognizance”.
2 & 3 Vict. c. 47.	The Metropolitan Police Act 1839	In section 69, the words from “to take bail” to the end.
2 & 3 Vict. c. 71.	The Metropolitan Police Courts Act 1839	Section 36.

Changes to legislation: Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes

52 & 53 Vict. c. 63.	The Interpretation Act 1889.	In section 27, the words from “and shall include” to the end.
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	In section 37, subsections (2) and (3) and, in subsection (4), paragraph (a).
15 & 16 Geo 6. & 1 Eliz. 2. c. 55.	The Magistrates’ Courts Act 1952.	In section 16(2), the words “to enter into a recognizance or”. In section 26, subsection (4). Section 38(3). Section 97.
8 & 9 Eliz. 2. c. 65.	The Administration of Justice Act 1960.	In section 4(3), the words “the applicant or”.
1965 c. 45.	The Backing of Warrants (Republic of Ireland) Act 1965.	In section 5(4) the words “in breach of a recognizance takem from him under this section” and “without prejudice to the enforcement of the recognizance”.
1967 c. 80.	The Criminal Justice Act 1967.	Sections 18 and 21. In section 22(3), the reference to subsection (3) of section 37 of the Criminal Justice Act 1948. Section 23.
1969 c. 54.	The Children and Young Persons Act 1969.	In section 29, subsection (6).
1971 c. 23.	The Courts Act 1971.	In section 13, subsection (3).
1972 c. 71.	The Criminal Justice Act 1972.	Section 43.

SCHEDULE 4

Section 12.

TRANSITIONAL PROVISIONS

- 1 (1) Without prejudice to section 38(2) of the ^{M15}Interpretation Act 1889 (effect of repeals), nothing in the amendments or repeals effected by section 12 of and Schedules 2 and 3 to this Act shall affect the application of the enactments amended or repealed thereby in relation to recognizances entered into or security given by persons granted bail before the appointed day and the recognizances of any sureties for them.

Changes to legislation: Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes

- (2) Nothing in those amendments or repeals shall, in particular, affect the doing of any of the following things after the appointed day, that is to say—
- (a) the enforcement of the recognizance of such a person in the event of a breach of recognizance after the appointed day;
 - (b) the exercise of any power to issue and the execution of a warrant for the arrest of such a person for breach of his recognizance after the appointed day;
 - (c) the exercise of any power to enlarge the recognizance of such a person and of any surety for him to a later time in the absence of that person and his surety (if any);
 - (d) the exercise of any power to vary any conditions on which a person was granted bail before the appointed day or to reduce the amount in which he or any surety is to be bound or to discharge or dispense with any of the sureties;
- and no application shall be made under section 3(8) of this Act for the variation of conditions of bail so granted or for the imposition of conditions in respect of bail so granted.

Marginal Citations

M15 1889 c. 63.

- 2 Where, before the appointed day, a court has—
- (a) given a direction that the recognizance of a person to whom it has granted bail may be entered into before another court or any person, or
 - (b) endorsed a warrant for the arrest of a person with a direction that he be released on his entering into such a recognizance as is specified in the endorsement,
- the recognizance may be entered into and taken after the appointed day in accordance with the direction and paragraph 1 above shall apply to such a recognizance as it applies to a recognizance entered into before the appointed day.
- 3 Where a person has been granted bail before the appointed day and his recognizance (and that of any surety for him) is conditioned for his appearance before a court from time to time, then, on his first appearance before a court after the appointed day—
- (a) the recognizance of that person shall be discharged; and
 - (b) the recognizance of any surety for him shall, as directed by the court, either be discharged or continue in force.
- 4 In this Schedule “the appointed day” means the day appointed under section 13(2) of this Act for it to come into force.

Changes to legislation:

Bail Act 1976 is up to date with all changes known to be in force on or before 14 April 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 3A(1) words substituted by [2022 c. 32 Sch. 11 para. 5](#)
- s. 5(6A)(a) words inserted by [2003 c. 44 Sch. 36 para. 2\(2\)](#)
- s. 5A(1) words substituted by [2022 c. 32 Sch. 11 para. 6](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act words substituted by [2005 c. 4 Sch. 11 para. 4](#)
- Blanket Amendment words substituted by [2005 c. 4 Sch. 11 para. 1\(2\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(6A)(a)(iia) inserted by [2003 c. 44 Sch. 36 para. 2\(3\)](#)
- s. 5(6A)(a)(iiia) and word inserted by [2003 c. 44 Sch. 36 para. 2\(4\)](#)