Status: Point in time view as at 25/08/2000. This version of this provision has been superseded.
Changes to legislation: Bail Act 1976, Section 3 is up to date with all changes known to be in force on or
before 18 January 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)

Bail Act 1976

1976 CHAPTER 63

Incidents of bail in criminal proceedings

3   General provisions.

(1) A person granted bail in criminal proceedings shall be under a duty to surrender to custody, and that duty is enforceable in accordance with section 6 of this Act.

(2) No recognizance for his surrender to custody shall be taken from him.

(3) Except as provided by this section—
   (a)   no security for his surrender to custody shall be taken from him,
   (b)   he shall not be required to provide a surety or sureties for his surrender to custody, and
   (c)   no other requirement shall be imposed on him as a condition of bail.

(4) He may be required, before release on bail, to provide a surety or sureties to secure his surrender to custody.

(5) **F1**. . .he may be required, before release on bail, to give security for his surrender to custody.

The security may be given by him or on his behalf.

(6) He may be required **F2**. . . to comply, before release on bail or later, with such requirements as appear to the court to be necessary to secure that—
   (a)   he surrenders to custody,
   (b)   he does not commit an offence while on bail,
   (c)   he does not interfere with witnesses or otherwise obstruct the course of justice whether in relation to himself or any other person,
   (d)   he makes himself available for the purpose of enabling inquiries or a report to be made to assist the court in dealing with him for the offence.
   [F3(e)   before the time appointed for him to surrender to custody, he attends an interview with an authorised advocate or authorised litigator, as defined by section 119(1) of the **M1**Courts and Legal Services Act 1990;**]**

[**F4**and, in any Act, "the normal powers to impose conditions of bail" means the powers to impose conditions under paragraph (a), (b) or (c) above]

[**F5**(6ZA) Where he is required under subsection (6) above to reside in a bail hostel or probation hostel, he may also be required to comply with the rules of the hostel.]

[**F6**(6A) In the case of a person accused of murder the court granting bail shall, unless it considers that satisfactory reports on his mental condition have already been obtained, impose as conditions of bail—

(a) a requirement that the accused shall undergo examination by two medical practitioners for the purpose of enabling such reports to be prepared; and

(b) a requirement that he shall for that purpose attend such an institution or place as the court directs and comply with any other directions which may be given to him for that purpose by either of those practitioners.

(6B) Of the medical practitioners referred to in subsection (6A) above at least one shall be a practitioner approved for the purposes of [**F7**section 12 of the Mental Health Act 1983].]

(7) If a parent or guardian of a child or young person consents to be surety for the child or young person for the purposes of this subsection, the parent or guardian may be required to secure that the child or young person complies with any requirement imposed on him by virtue of [**F8**subsection (6) or (6A) above], but—

(a) no requirement shall be imposed on the parent or the guardian of a young person by virtue of this subsection where it appears that the young person will attain the age of seventeen before the time to be appointed for him to surrender to custody; and

(b) the parent or guardian shall not be required to secure compliance with any requirement to which his consent does not extend and shall not, in respect of those requirements to which his consent does extend, be bound in a sum greater than £50.

(8) Where a court has granted bail in criminal proceedings [**F9**that court or, where that court has committed a person on bail to the Crown Court for trial or to be sentenced or otherwise dealt with, that court or the Crown Court may] on application—

(a) by or on behalf of the person to whom [**F9**bail was] granted, or

(b) by the prosecutor or a constable,

vary the conditions of bail or impose conditions in respect of bail which [**F9**has been] granted unconditionally.

[**F10**(8A) Where a notice of transfer is given under [**F11**a relevant transfer provision], subsection (8) above shall have effect in relation to a person in relation to whose case the notice is given as if he had been committed on bail to the Crown Court for trial.]

[**F12**(8B) Subsection (8) above applies where a court has sent a person on bail to the Crown Court for trial under section 51 of the Crime and Disorder Act 1998 as it applies where a court has committed a person on bail to the Crown Court for trial.]

(9) This section is subject to [**F13**subsection (3) of section 11 of the Powers of Criminal Courts (Sentencing) Act 2000] (conditions of bail on remand for medical examination).

[**F14**(10) This section is subject, in its application to bail granted by a constable, to section 3A of this Act.]

[**F15**(10) In subsection (8A) above "relevant transfer provision" means—

      (a)   section 4 of the Criminal Justice Act 1987, or

      (b)   section 53 of the Criminal Justice Act 1991.**]**

Textual Amendments

F1   Words in s. 3(5) repealed (30.9.1998) by 1998 c. 37, ss. 54(1), 120(2), **Sch. 10**; S.I. 1998/2327, **art. 2(3)(n)**

F2   Words in s. 3(6) repealed (10.4.1995) by 1994 c. 33, ss. 27(2)(a), 168(3), **Sch. 11**; S.I. 1995/721, art. 2, **Sch.** Appendix B

F3   S. 3(6)(e) inserted (30.9.1998) by 1998 c. 37, **s. 54(2)**; S.I. 1998/2327, **art. 2(1)(n)**

F4   Words at the end of s. 3(6) inserted (10.4.1995) by 1994 c. 33, **s. 27(2)(b)**; S.I. 1995/721, art. 2, **Sch.**

F5   S. 3(6ZA) inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 131(1), **Sch. 8 para. 16**

F6   S. 3(6A)(6B) inserted by Mental Health (Amendment) Act 1982 (c. 51, SIF 85), **s. 34(2)**

F7   Words substituted by Mental Health Act 1983 (c. 20, SIF 85), **Sch. 4 para. 46**

F8   Words substituted by Mental Health (Amendment) Act 1982 (c. 51, SIF 85), **s. 34(3)**

F9   Words substituted by Criminal Law Act 1977 (c. 45), **Sch. 12**

F10   S. 3(8A) inserted by Criminal Justice Act 1987 (c. 38, SIF 39:1), s. 15, **Sch. 2 para. 9**

F11   Words in s. 3(8A) substituted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 12(a)**; S.I. 1995/127, **art. 2(1)**, **Sch. 1** Appendix A

F12   S. 3(8B) inserted (the insertion being in force 4.1.1999 for the purposes as referred to in S.I. 1998/2327, art. 4(2)(c), **Sch. 2** and otherwise 15.1.2001) by 1998 c. 37, s. 119, **Sch. 8 para. 37**; S.I. 2000/3283, **art. 2(c)**

F13   Words in s. 3(9) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 51**

F14   S. 3(10) beginning "This section is" inserted (10.4.1995) by 1994 c. 33, **s. 27(2)(c)**; S.I. 1995/721, art. 2, **Sch.**

F15   S. 3(10) beginning "In subsection (8A)" inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 12(b)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A

Marginal Citations

M1   1990 c.41.

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