



Bail Act 1976

1976 CHAPTER 63

Bail for accused persons and others

4 General right to bail of accused persons and others.

- (1) A person to whom this section applies shall be granted bail except as provided in Schedule 1 to this Act.
- (2) This section applies to a person who is accused of an offence when—
 - (a) he appears or is brought before a magistrates' court or the Crown Court in the course of or in connection with proceedings for the offence, or
 - (b) he applies to a court for bail [^{F1}or for a variation of the conditions of bail] in connection with the proceedings.

This subsection does not apply as respects proceedings on or after a person's conviction of the offence ^{F2}....

- [^{F3}(2A) This section also applies to a person whose extradition is sought in respect of an offence, when—
- (a) he appears or is brought before a court in the course of or in connection with extradition proceedings in respect of the offence, or
 - (b) he applies to a court for bail or for a variation of the conditions of bail in connection with the proceedings.
- (2B) But subsection (2A) above does not apply if the person is alleged [^{F4}to have been convicted] of the offence.]
- (3) This section also applies to a person who, having been convicted of an offence, appears or is brought before a magistrates' court [^{F5}or the Crown Court to be dealt with under—
 - (a) Part 2 of Schedule 3 to the Powers of Criminal Courts (Sentencing) Act 2000 (breach of certain youth community orders), or
 - (b) Part 2 of Schedule 8 to the Criminal Justice Act 2003 (breach of requirement of community order).]

Status: Point in time view as at 15/01/2007. This version of this provision has been superseded.

Changes to legislation: Bail Act 1976, Section 4 is up to date with all changes known to be in force on or before 31 December 2023. 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)

- (4) This section also applies to a person who has been convicted of an offence and whose case is adjourned by the court for the purpose of enabling inquiries or a report to be made to assist the court in dealing with him for the offence.
- (5) Schedule 1 to this Act also has effect as respects conditions of bail for a person to whom this section applies.
- (6) In Schedule 1 to this Act “the defendant” means a person to whom this section applies and any reference to a defendant whose case is adjourned for inquiries or a report is a reference to a person to whom this section applies by virtue of subsection (4) above.
- (7) This section is subject to [^{F6}section 41 of the Magistrates’ Courts Act 1980] (restriction of bail by magistrates’ court in cases of treason).
- [^{F7}(8) This section is subject to section 25 of the Criminal Justice and Public Order Act 1994 (exclusion of bail in cases of homicide and rape).]
- [^{F8}(9) In taking any decisions required by Part I or II of Schedule 1 to this Act, the considerations to which the court is to have regard include, so far as relevant, any misuse of controlled drugs by the defendant (“controlled drugs” and “misuse” having the same meanings as in the ^{M1}Misuse of Drugs Act 1971).]

Textual Amendments

- F1** Words in s. 4(2)(b) inserted (10.4.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 33**; S.I. 1995/721, art. 2, **Sch. Appendix A**
- F2** Words in s. 4(2) repealed (1.1.2004) by **Extradition Act 2003 (c. 41)**, ss. 198(4), 221, **Sch. 4**; S.I. 2003/3103, art. 2 (with arts. 3, 4) (as amended (18.12.2003) by S.I. 2003/3312, art. 2)
- F3** S. 4(2A)(2B) inserted (1.1.2004) by **Extradition Act 2003 (c. 41)**, ss. 198(5), 221; S.I. 2003/3103, art. 2 (with arts. 3, 4) (as amended (18.12.2003) by S.I. 2003/3312, art. 2)
- F4** Words in s. 4(2B) substituted (15.1.2007) by **Police and Justice Act 2006 (c. 48)**, s. 53(1), **Sch. 13 para. 34**; S.I. 2006/3364, art. 2(e)
- F5** Words in s. 4(3) substituted (4.4.2005) by **Criminal Justice Act 2003 (c. 44)**, s. 336(3)(4), **Sch. 32 para. 22**; S.I. 2005/950, art. 2(1), **Sch. 1 para. 42(12)** (with **Sch. 2**) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F6** Words substituted by **Magistrates' Courts Act 1980 (c. 43, SIF 82)**, **Sch. 7 para. 145**
- F7** S. 4(8) inserted (10.4.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 32**; S.I. 1995/721, art. 2, **Sch. Appendix A**
- F8** S. 4(9) inserted (2.7.2001) by 2000 c. 43, s. 58; S.I. 2001/2232, art. 2(g)

Modifications etc. (not altering text)

- C1** S. 4 applied (with modifications) (4.4.2005) by **Criminal Justice Act 2003 (c. 44)**, ss. 90(4), 336(3)(4); S.I. 2005/950, art. 2(1), **Sch. 1 para. 5** (with **Sch. 2**) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

Marginal Citations

- M1** 1971 c. 38.

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