

Changes to legislation: Criminal Justice and Public Order Act 1994, SCHEDULE 3 is up to date with all changes known to be in force on or before 19 July 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) [View outstanding changes](#)

SCHEDULE 3

Section 27.

BAIL: SUPPLEMENTARY PROVISIONS

Bail Act 1976

1 Section 5 of the ^{M1}Bail Act 1976 (supplementary provisions about decisions on bail) shall be amended as follows—

- (a) in subsection (1)(d), after the words “a court” there shall be inserted the words “ or constable ”; and
- (b) after subsection (10), there shall be inserted the following subsection—

“(11) This section is subject, in its application to bail granted by a constable, to section 5A of this Act.”.

Marginal Citations

M1 1976 c. 63.

2 After section 5 of the Bail Act 1976 there shall be inserted the following section—

“5A Supplementary provisions in cases of police bail.

- (1) Section 5 of this Act applies, in relation to bail granted by a custody officer under Part IV of the Police and Criminal Evidence Act 1984 in cases where the normal powers to impose conditions of bail are available to him, subject to the following modifications.
- (2) For subsection (3) substitute the following—

(”) Where a custody officer, in relation to any person,—

 - (a) imposes conditions in granting bail in criminal proceedings, or
 - (b) varies any conditions of bail or imposes conditions in respect of bail in criminal proceedings,

the custody officer shall, with a view to enabling that person to consider requesting him or another custody officer, or making an application to a magistrates’ court, to vary the conditions, give reasons for imposing or varying the conditions.”.
- (3) For subsection (4) substitute the following—

(”) A custody officer who is by virtue of subsection (3) above required to give reasons for his decision shall include a note of those reasons in the custody record and shall give a copy of that note to the person in relation to whom the decision was taken.”.
- (4) Subsections (5) and (6) shall be omitted.”.

Magistrates’ Courts Act 1980

3 After section 43A of the ^{M2}Magistrates’ Courts Act 1980 there shall be inserted the following section—

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“43B Power to grant bail where police bail has been granted.

- (1) Where a custody officer—
- (a) grants bail to any person under Part IV of the Police and Criminal Evidence Act 1984 in criminal proceedings and imposes conditions, or
 - (b) varies, in relation to any person, conditions of bail in criminal proceedings under section 3(8) of the Bail Act 1976,
- a magistrates’ court may, on application by or on behalf of that person, grant bail or vary the conditions.
- (2) On an application under subsection (1) the court, if it grants bail and imposes conditions or if it varies the conditions, may impose more onerous conditions.
- (3) On determining an application under subsection (1) the court shall remand the applicant, in custody or on bail in accordance with the determination, and, where the court withholds bail or grants bail the grant of bail made by the custody officer shall lapse.
- (4) In this section “bail in criminal proceedings” and “vary” have the same meanings as they have in the Bail Act 1976.”.

Marginal Citations

M2 1980 c. 43.

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

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

- s. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)