



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART II

BAIL

30 Reconsideration of decisions granting bail.

After the section 5A of the ^{M1}Bail Act 1976 inserted by Schedule 3 to this Act there shall be inserted the following section—

“5B Reconsideration of decisions granting bail.

- (1) Where a magistrates’ court has granted bail in criminal proceedings in connection with an offence, or proceedings for an offence, to which this section applies or a constable has granted bail in criminal proceedings in connection with proceedings for such an offence, that court or the appropriate court in relation to the constable may, on application by the prosecutor for the decision to be reconsidered,—
 - (a) vary the conditions of bail,
 - (b) impose conditions in respect of bail which has been granted unconditionally, or
 - (c) withhold bail.
- (2) The offences to which this section applies are offences triable on indictment and offences triable either way.
- (3) No application for the reconsideration of a decision under this section shall be made unless it is based on information which was not available to the court or constable when the decision was taken.

Changes to legislation: Criminal Justice and Public Order Act 1994, Section 30 is up to date with all changes known to be in force on or before 09 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](#)

- (4) Whether or not the person to whom the application relates appears before it, the magistrates' court shall take the decision in accordance with section 4(1) (and Schedule 1) of this Act.
- (5) Where the decision of the court on a reconsideration under this section is to withhold bail from the person to whom it was originally granted the court shall—
 - (a) if that person is before the court, remand him in custody, and
 - (b) if that person is not before the court, order him to surrender himself forthwith into the custody of the court.
- (6) Where a person surrenders himself into the custody of the court in compliance with an order under subsection (5) above, the court shall remand him in custody.
- (7) A person who has been ordered to surrender to custody under subsection (5) above may be arrested without warrant by a constable if he fails without reasonable cause to surrender to custody in accordance with the order.
- (8) A person arrested in pursuance of subsection (7) above shall be brought as soon as practicable, and in any event within 24 hours after his arrest, before a justice of the peace for the petty sessions area in which he was arrested and the justice shall remand him in custody.

In reckoning for the purposes of this subsection any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.
- (9) Magistrates' court rules shall include provision—
 - (a) requiring notice of an application under this section and of the grounds for it to be given to the person affected, including notice of the powers available to the court under it;
 - (b) for securing that any representations made by the person affected (whether in writing or orally) are considered by the court before making its decision; and
 - (c) designating the court which is the appropriate court in relation to the decision of any constable to grant bail.”.

Marginal Citations**M1** 1976 c. 63.

Changes to legislation:

Criminal Justice and Public Order Act 1994, Section 30 is up to date with all changes known to be in force on or before 09 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.

[View outstanding changes](#)

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\(3\)](#)