



# Bail Act 1976

## CHAPTER 63

### BAIL ACT 1976

#### *Preliminary*

- 1 Meaning of “bail in criminal proceedings”.
- 2 Other definitions.

#### *Incidents of bail in criminal proceedings*

- 3 General provisions.
- 3AA Conditions for the imposition of electronic monitoring requirements: children and young persons released on bail other than in extradition proceedings
- 3AAA Conditions for the imposition of electronic monitoring requirements: children and young persons released on bail in extradition proceedings
- 3AB Conditions for the imposition of electronic monitoring requirements: other persons
- 3AC Electronic monitoring: general provisions
- 3A Conditions of bail in case of police bail.

#### *Bail for accused persons and others*

- 4 General right to bail of accused persons and others.

#### *Supplementary*

- 5 Supplementary provisions about decisions on bail.
- 5A Supplementary provisions in cases of police bail.
- 5B Reconsideration of decisions granting bail.
- 6 Offence of absconding by person released on bail.
- 7 Liability to arrest for absconding or breaking conditions of bail.
- 8 Bail with sureties.

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### *Miscellaneous*

- 9 Offence of agreeing to indemnify sureties in criminal proceedings.
- 9A Bail decisions relating to children or young persons who are accused of offences mentioned in Schedule 2 to the Magistrates' Courts Act 1980
- 10 .....
- 11 .....
- 12 Amendments, repeals and transitional provisions.
- 13 Short title, commencement, application and extent.

## SCHEDULES

- SCHEDULE 1 — Persons Entitled to Bail: Supplementary Provisions
  - Part I — DEFENDANTS ACCUSED OR CONVICTED OF IMPRISONABLE OFFENCES

### *Application of Part 1*

- 1 (1) Subject to sub-paragraph (2), and paragraph 1A the following...
- 1A (1) The paragraphs of this Part of this Schedule mentioned...

### *Exceptions to right to bail*

- 2 (1) The defendant need not be granted bail if the...
- 2ZA (1) The defendant need not be granted bail if the...
- 2A The defendant need not be granted bail if—
- 2B The defendant need not be granted bail in connection with...
- 3 The defendant need not be granted bail if the court...
- 4 The defendant need not be granted bail if he is...
- 5 The defendant need not be granted bail where the court...
- 6 The defendant need not be granted bail if, having previously...
- 6ZA If the defendant is charged with murder, the defendant may...

### *Exception applicable to drug users in certain areas*

- 6A Subject to paragraph 6C below, a defendant who falls within...

### *Exception applicable to drug users in certain areas*

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

### *Exception applicable to drug users in certain areas*

- 6C Paragraph 6A above does not apply unless—

*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,...

### *Restriction of conditions of bail*

- 8 (1) Subject to sub-paragraph (3) below, where the defendant is...

### *Decisions under paragraph 2*

- 9 In taking the decisions required by paragraph 2(1), or in...

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- 9AA (1) This paragraph applies if— (a) the defendant is a...
- 9AB (1) Subject to sub-paragraph (2) below, this paragraph applies if—...
- 9A .....

*Cases under section 128A of Magistrates' Courts Act 1980*

- 9B Where the court is considering exercising the power conferred by...
  - Part 1A — DEFENDANTS ACCUSED OR CONVICTED OF IMPRISONABLE OFFENCES TO WHICH PART 1 DOES NOT APPLY

*Application of Part 1A*

- 1 Subject to paragraph 1A, the following provisions of this Part...
- 1A (1) The paragraphs of this Part of this Schedule mentioned...

*Exceptions to right to bail*

- 2 The defendant need not be granted bail if—
- 3 The defendant need not be granted bail if—
- 4 (1) The defendant need not be granted bail if the...
- 5 The defendant need not be granted bail if the court...
- 6 The defendant need not be granted bail if he is...
- 7 The defendant need not be granted bail if —
- 8 The defendant need not be granted bail where the court...

*Application of paragraphs 6A to 6C of Part 1*

- 9 Paragraphs 6A to 6C of Part 1 (exception applicable to...
  - 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...

*Exceptions to right to bail*

- 2 The defendant need not be granted bail if—
- 3 The defendant need not be granted bail if the court...
- 4 The defendant need not be granted bail if he is...
- 5 The defendant need not be granted bail if—
- 6 (1) The defendant need not be granted bail if—
  - Part IIA — DECISIONS WHERE BAIL REFUSED ON PREVIOUS HEARING
  - 1 If the court decides not to grant the defendant bail,...
  - 2 At the first hearing after that at which the court...
  - 3 At subsequent hearings the court need not hear arguments as...

**Part III — INTERPRETATION**

- 1 For the purposes of this Schedule the question whether an...
- 2 References in this Schedule to previous grants of bail include—...
- 3 References in this Schedule to a defendant's being kept in...
- 4 In this Schedule— "court", in the expression "sentence of a...

**SCHEDULE 2 — CONSEQUENTIAL AND OTHER AMENDMENTS OF ACTS**

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*Habeas Corpus Act 1679*

- 1 In section 2 of the Habeas Corpus Act 1679 (bail...
- 2 .....

*Criminal Law Amendment Act 1867*

- 3 In section 10 of the Criminal Law Amendment Act 1867...
- 4 .....
- 5 .....
- 6 .....

*Criminal Justice Administration Act 1914*

- 7 In section 19 of the Criminal Justice Administration Act 1914...

*Indictments Act 1915*

- 8 In section 5(5)(c) of the Indictment Act 1915 (bail where...

*Children and Young Persons Act 1933*

- 9 In section 13(2) of the Children and Young Persons Act...

*Public Order Act 1936*

- 10 In section 1(2) of the Public Order Act 1936 (right...

*Criminal Justice Act 1948*

- 11 (1) Section 37 of the Criminal Justice Act 1948 (powers...
- 12 .....
- 13 .....
- 14—29 .....

*Administration of Justice Act 1960*

- 30 In section 4(2) of the Administration of Justice Act 1960...
- 31 In section 6(1) of the Administration of Justice Act 1960...
- 32 .....

*Backing of Warrants (Republic of Ireland) Act 1965*

- 33 (1) Section 5 of the Backing of Warrants (Republic of...

*Criminal Justice Act 1967*

- 34 Section 18 of the Criminal Justice Act 1967 (restrictions on...
- 35 .....
- 36 Section 21 of the Criminal Justice Act 1967 (power to...
- 37 (1) Section 22 of the Criminal Justice Act 1967 (extension...

*Criminal Appeal Act 1968*

- 38 In section 8(2) and (3) of the Criminal Appeal Act...
- 39 .....
- 40—42 .....
- 43 In section 36 of the Criminal Appeal Act 1968 (bail...

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- 44 In section 43(1) of the Criminal Appeal Act 1968 (computation...
- 45 In Schedule 2 to the Criminal Appeal Act 1968 (provisions...

*Courts-Martial (Appeals) Act 1968*

- 46 In section 45(2) of the Courts-Martial (Appeals) Act 1968 (computation...

*Children and Young Persons Act 1969*

- 47 In section 29 of the Children and Young Persons Act...
- 48 . . . . .

SCHEDULE 3 — REPEALS

SCHEDULE 4 — Transitional Provisions

- 1 (1) Without prejudice to section 38(2) of the Interpretation Act...
- 2 Where, before the appointed day, a court has—
- 3 Where a person has been granted bail before the appointed...
- 4 In this Schedule “the appointed day” means the day appointed...

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**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)(iia) and word inserted by [2003 c. 44 Sch. 36 para. 2\(4\)](#)