



Bail Act 1976

1976 CHAPTER 63

An Act to make provision in relation to bail in or in connection with criminal proceedings in England and Wales, to make it an offence to agree to indemnify sureties in criminal proceedings, to make provision for legal aid limited to questions of bail in certain cases and for legal aid for persons kept in custody for inquiries or reports, to extend the powers of coroners to grant bail and for connected purposes. [15 November 1976]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Preliminary

1 Meaning of " bail in criminal proceedings "

- (1) In this Act " bail in criminal proceedings " means—
 - (a) bail grantable in or in connection with proceedings for an offence to a person who is accused or convicted of the offence, or
 - (b) bail grantable in connection with an offence to a person who is under arrest for the offence or for whose arrest for the offence a warrant (endorsed for bail) is being issued.
- (2) In this Act "bail" means bail grantable under the law (including common law) for the time being in force.
- (3) Except as provided by section 13(3) of this Act, this section does not apply to bail in or in connection with proceedings outside England and Wales.
- (4) This section does not apply to bail granted before the coming into force of this Act.
- (5) This section applies—
 - (a) whether the offence was committed in England or Wales or elsewhere, and

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- (b) whether it is an offence under the law of England and Wales, or of any other country or territory.
- (6) Bail in criminal proceedings shall be granted (and in particular shall be granted unconditionally or conditionally) in accordance with this Act.

2 Other definitions

- (1) In this Act, unless the context otherwise requires, " conviction " includes—
- (a) a finding of guilt,
 - (b) a finding that a person is not guilty by reason of insanity,
 - (c) a finding under section 26(1) of the Magistrates' Courts Act 1952 (remand for medical examination) that the person in question did the act or made the omission charged, and
 - (d) a conviction of an offence for which an order is made placing the offender on probation or discharging him absolutely or conditionally,
- and " convicted " shall be construed accordingly.
- (2) In this Act, unless the context otherwise requires—
- " child " means a person under the age of fourteen,
 - " coroners' rules " means rules made under any provision of the Coroners (Amendment) Act 1926,
 - " court " includes a judge of a court, a justice of the peace or a coroner and, in the case of a specified court, includes a judge or (as the case may be) justice having powers to act in connection with proceedings before that court,
 - " Courts-Martial Appeal rules " means rules made under section 49 of the Courts-Martial (Appeals) Act 1968,
 - " Crown Court rules " means rules made under section 15 of the Courts Act 1971,
 - " magistrates' courts rules " means rules made under section 15 of the Justices of the Peace Act 1949,
 - " offence " includes an alleged offence,
 - " proceedings against a fugitive offender " means proceedings under section 9 of the Extradition Act 1870, section 7 of the Fugitive Offenders Act 1967 or section 2(1) or 4(3) of the Backing of Warrants (Republic of Ireland) Act 1965,
 - " Supreme Court rules " means rules made under section 99 of the Supreme Court of Judicature (Consolidation) Act 1925,
 - " surrender to custody " means, in relation to a person released on bail, surrendering himself into the custody of the court or of the constable (according to the requirements of the grant of bail) at the time and place for the time being appointed for him to do so,
 - " vary ", in relation to bail, means imposing further conditions after bail is granted, or varying or rescinding conditions,
 - " young person " means a person who has attained the age of fourteen and is under the age of seventeen.
- (3) Where an enactment (whenever passed) which relates to bail in criminal proceedings refers to the person bailed appearing before a court it is to be construed unless the context otherwise requires as referring to his surrendering himself into the custody of the court.

- (4) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment, including this Act.

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) If it appears that he is unlikely to remain in Great Britain until the time appointed for him to surrender to custody, 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 (but only by a court) 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.
- (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 subsection (6) 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 it may on application—
- (a) by or on behalf of the person to whom it was granted, or

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- (b) by the prosecutor or a constable,
vary the conditions of bail or impose conditions in respect of bail which it has granted unconditionally.
- (9) This section is subject to subsection (3) of section 26 of the Magistrates' Courts Act 1952 (conditions of bail on remand for medical examination).

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 in connection with the proceedings.

This subsection does not apply as respects proceedings on or after a person's conviction of the offence or proceedings against a fugitive offender for 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 to be dealt with under section 6 or section 16 of the Powers of Criminal Courts Act 1973 (breach of requirement of probation or community service order).
- (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 section 8 of the Magistrates' Courts Act 1952 (restriction of bail by magistrates' court in cases of treason).

Supplementary

5 Supplementary provisions about decisions on bail

- (1) Subject to subsection (2) below, where—
 - (a) a court or constable grants bail in criminal proceedings, or
 - (b) a court withholds bail in criminal proceedings from a person to whom section 4 of this Act applies, or
 - (c) a court, officer of a court or constable appoints a time or place or a court or officer of a court appoints a different time or place for a person granted bail in criminal proceedings to surrender to custody, or

- (d) a court varies any conditions of bail or imposes conditions in respect of bail in criminal proceedings,
that court, officer or constable shall make a record of the decision in the prescribed manner and containing the prescribed particulars and, if requested to do so by the person in relation to whom the decision was taken, shall cause him to be given a copy of the record of the decision as soon as practicable after the record is made.
- (2) Where bail in criminal proceedings is granted by endorsing a warrant of arrest for bail the constable who releases on bail the person arrested shall make the record required by subsection (1) above instead of the judge or justice who issued the warrant.
- (3) Where a magistrates court or the Crown Court—
- (a) withholds bail in criminal proceedings, or
 - (b) imposes conditions in granting bail in criminal proceedings, or
 - (c) varies any conditions of bail or imposes conditions in respect of bail in criminal proceedings,
- and does so in relation to a person to whom section 4 of this Act applies, then the court shall, with a view to enabling him to consider making an application in the matter to another court, give reasons for withholding bail or for imposing or varying the conditions.
- (4) A court which is by virtue of subsection (3) above required to give reasons for its decision shall include a note of those reasons in the record of its decision and shall (except in a case where, by virtue of subsection (5) below, this need not be done) give a copy of that note to the person in relation to whom the decision was taken.
- (5) The Crown Court need not give a copy of the note of the reasons for its decision to the person in relation to whom the decision was taken where that person is represented by counsel or a solicitor unless his counsel or solicitor requests the court to do so.
- (6) Where a magistrates' court withholds bail in criminal proceedings from a person who is not represented by counsel or a solicitor, the court shall—
- (a) if it is committing him for trial to the Crown Court, inform him that he may apply to the High Court or to the Crown Court to be granted bail;
 - (b) in any other case, inform him that he may apply to the High Court for that purpose.
- (7) Where a person has given security in pursuance of section 3(5) above and a court is satisfied that he failed to surrender to custody then, unless it appears that he had reasonable cause for his failure, the court may order the forfeiture of the security.
- (8) If a court orders the forfeiture of a security under subsection (7) above, the court may declare that the forfeiture extends to such amount less than the full value of the security as it thinks fit to order.
- (9) A security which has been ordered to be forfeited by a court under subsection (7) above shall, to the extent of the forfeiture—
- (a) if it consists of money, be accounted for and paid in the same manner as a fine imposed by that court would be;
 - (b) if it does not consist of money, be enforced by such magistrates' court as may be specified in the order.
- (10) In this section "prescribed" means, in relation to the decision of a court or an officer of a court, prescribed by Supreme Court rules, Courts-Martial Appeal rules. Crown

Court rules or magistrates' courts rules, as the case requires or, in relation to a decision of a constable, prescribed by direction of the Secretary of State.

6 Offence of absconding by person released on bail

- (1) If a person who has been released on bail in criminal proceedings fails without reasonable cause to surrender to custody he shall be guilty of an offence.
- (2) If a person who—
 - (a) has been released on bail in criminal proceedings, and
 - (b) having reasonable cause therefor, has failed to surrender to custody,fails to surrender to custody at the appointed place as soon after the appointed time as is reasonably practicable he shall be guilty of an offence.
- (3) It shall be for the accused to prove that he had reasonable cause for his failure to surrender to custody.
- (4) A failure to give to a person granted bail in criminal proceedings a copy of the record of the decision shall not constitute a reasonable cause for that person's failure to surrender to custody.
- (5) An offence under subsection (1) or (2) above shall be punishable either on summary conviction or as if it were a criminal contempt of court.
- (6) Where a magistrates' court convicts a person of an offence under subsection (1) or (2) above the court may, if it thinks—
 - (a) that the circumstances of the offence are such that greater punishment should be inflicted for that offence than the court has power to inflict, or
 - (b) in a case where it commits that person for trial to the Crown Court for another offence, that it would be appropriate for him to be dealt with for the offence under subsection (1) or (2) above by the court before which he is tried for the other offence,commit him in custody or on bail to the Crown Court for sentence.
- (7) A person who is convicted summarily of an offence under subsection (1) or (2) above and is not committed to the Crown Court for sentence shall be liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding £400 or to both and a person who is so committed for sentence or is dealt with as for such a contempt shall be liable to imprisonment for a term not exceeding 12 months or to a fine or to both.
- (8) In any proceedings for an offence under subsection (1) or (2) above a document purporting to be a copy of the part of the prescribed record which relates to the time and place appointed for the person specified in the record to surrender to custody and to be duly certified to be a true copy of that part of the record shall be evidence of the time and place appointed for that person to surrender to custody.
- (9) For the purposes of subsection (8) above—
 - (a) " the prescribed record " means the record of the decision of the court, officer or constable made in pursuance of section 5(1) of this Act;
 - (b) the copy of the prescribed record is duly certified if it is certified by the appropriate officer of the court or, as the case may be, by the constable who took the decision or a constable designated for the purpose by the officer in charge of the police station from which the person to whom the record relates was released;

- (c) " the appropriate officer " of the court is—
- (i) in the case of a magistrates' court, the justices' clerk or such other officer as may be authorised by him to act for the purpose ;
 - (ii) in the case of the Crown Court, such officer as may be designated for the purpose in accordance with arrangements made by the Lord Chancellor;
 - (iii) in the case of the High Court, such officer as may be designated for the purpose in accordance with arrangements made by the Lord Chancellor;
 - (iv) in the case of the Court of Appeal, the registrar of criminal appeals or such other officer as may be authorised by him to act for the purpose ;
 - (v) in the case of the Courts-Martial Appeal Court, the registrar or such other officer as may be authorised by him to act for the purpose.

7 **Liability to arrest for absconding or breaking conditions of bail**

- (1) If a person who has been released on bail in criminal proceedings and is under a duty to surrender into the custody of a court fails to surrender to custody at the time appointed for him to do so the court may issue a warrant for his arrest.
- (2) If a person who has been released on bail in criminal proceedings absents himself from the court at any time after he has surrendered into the custody of the court and before the court is ready to begin or to resume the hearing of the proceedings, the court may issue a warrant for his arrest; but no warrant shall be issued under this subsection where that person is absent in accordance with leave given to him by or on behalf of the court.
- (3) A person who has been released on bail in criminal proceedings and is under a duty to surrender into the custody of a court may be arrested without warrant by a constable—
- (a) if the constable has reasonable grounds for believing that that person is not likely to surrender to custody;
 - (b) if the constable has reasonable grounds for believing that that person is likely to break any of the conditions of his bail or has reasonable grounds for suspecting that that person has broken any of those conditions; or
 - (c) in a case where that person was released on bail with one or more surety or sureties, if a surety notifies a constable in writing that that person is unlikely to surrender to custody and that for that reason the surety wishes to be relieved of his obligations as a surety.
- (4) A person arrested in pursuance of subsection (3) above—
- (a) shall, except where he was arrested within 24 hours of the time appointed for him to surrender to custody, 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
 - (b) in the said excepted case shall be brought before the court at which he was to have surrendered to custody.
- (5) A justice of the peace before whom a person is brought under subsection (4) above may, subject to subsection (6) below, if of the opinion that that person—
- (a) is not likely to surrender to custody, or
 - (b) has broken or is likely to break any condition of his bail,

remand him in custody or commit him to custody, as the case may require, or alternatively, grant him bail subject to the same or to different conditions, but if not of that opinion shall grant him bail subject to the same conditions (if any) as were originally imposed.

- (6) Where the person so brought before the justice is a child or young person and the justice does not grant him bail, subsection (5) above shall have effect subject to the provisions of section 23 of the Children and Young Persons Act 1969 (remands to the care of local authorities).

8 Bail with sureties

- (1) This section applies where a person is granted bail in criminal proceedings on condition that he provides one or more surety or sureties for the purpose of securing that he surrenders to custody.
- (2) In considering the suitability for that purpose of a proposed surety, regard may be had (amongst other things) to—
- (a) the surety's financial resources ;
 - (b) his character and any previous convictions of his; and
 - (c) his proximity (whether in point of kinship, place of residence or otherwise) to the person for whom he is to be surety.
- (3) Where a court grants a person bail in criminal proceedings on such a condition but is unable to release him because no surety or no suitable surety is available, the court shall fix the amount in which the surety is to be bound and subsections (4) and (5) below, or in a case where the proposed surety resides in Scotland subsection (6) below, shall apply for the purpose of enabling the recognizance of the surety to be entered into subsequently.
- (4) Where this subsection applies the recognizance of the surety may be entered into before such of the following persons or descriptions of persons as the court may by order specify or, if it makes no such order, before any of the following persons, that is to say—
- (a) where the decision is taken by a magistrates' court, before a justice of the peace, a justices' clerk or a police officer who either is of the rank of inspector or above or is in charge of a police station or, if magistrates' courts rules so provide, by a person of such other description as is specified in the rules;
 - (b) where the decision is taken by the Crown Court, before any of the persons specified in paragraph (a) above or, if Crown Court rules so provide, by a person of such other description as is specified in the rules ;
 - (c) where the decision is taken by the High Court or the Court of Appeal, before any of the persons specified in paragraph (a) above or, if Supreme Court rules so provide, by a person of such other description as is specified in the rules ;
 - (d) where the decision is taken by the Courts-Martial Appeal Court, before any of the persons specified in paragraph (a) above or, if Courts-Martial Appeal rules so provide, by a person of such other description as is specified in the rules;
- and Supreme Court rules, Crown Court rules, Courts-Martial Appeal rules or magistrates' courts rules may also prescribe the manner in which a recognizance which is to be entered into before such a person is to be entered into and the persons by whom and the manner in which the recognizance may be enforced.

- (5) Where a surety seeks to enter into his recognizance before any person in accordance with subsection (4) above but that person declines to take his recognizance because he is not satisfied of the surety's suitability, the surety may apply to—
 - (a) the court which fixed the amount of the recognizance in which the surety was to be bound, or
 - (b) a magistrates' court for the petty sessions area in which he resides, for that court to take his recognizance and that court shall, if satisfied of his suitability, take his recognizance.
- (6) Where this subsection applies, the court, if satisfied of the suitability of the proposed surety, may direct that arrangements be made for the recognizance of the surety to be entered into in Scotland before any constable, within the meaning of the Police (Scotland) Act 1967, having charge at any police office or station in like manner as the recognizance would be entered into in England or Wales.
- (7) Where, in pursuance of subsection (4) or (6) above, a recognizance is entered into otherwise than before the court that fixed the amount of the recognizance, the same consequences shall follow as if it had been entered into before that court.

Miscellaneous

9 Offence of agreeing to indemnify sureties in criminal proceedings

- (1) If a person agrees with another to indemnify that other against any liability which that other may incur as a surety to secure the surrender to custody of a person accused or convicted of or under arrest for an offence, he and that other person shall be guilty of an offence.
- (2) An offence under subsection (1) above is committed whether the agreement is made before or after the person to be indemnified becomes a surety and whether or not he becomes a surety and whether the agreement contemplates compensation in money or in money's worth.
- (3) Where a magistrates' court convicts a person of an offence under subsection (1) above the court may, if it thinks—
 - (a) that the circumstances of the offence are such that greater punishment should be inflicted for that offence than the court has power to inflict, or
 - (b) in a case where it commits that person for trial to the Crown Court for another offence, that it would be appropriate for him to be dealt with for the offence under subsection (1) above by the court before which he is tried for the other offence,commit him in custody or on bail to the Crown Court for sentence.
- (4) A person guilty of an offence under subsection (1) above shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding £400 or to both; or
 - (b) on conviction on indictment or if sentenced by the Crown Court on committal for sentence under subsection (3) above, to imprisonment for a term not exceeding 12 months or to a fine or to both.
- (5) No proceedings for an offence under subsection (1) above shall be instituted except by or with the consent of the Director of Public Prosecutions.

10 Extension and exercise of coroners' powers to grant bail

- (1) In section 5 of the Coroners Act 1887 (procedure and powers of coroner to grant bail where coroner's inquisition charges homicide), for subsections (1) and (2) there shall be substituted—

“(1) Where a coroner's inquisition charges a person with the offence of murder, manslaughter or infanticide, the coroner shall issue his warrant for arresting that person if a warrant has not previously been issued.

(2) The coroner may grant bail to a person so charged with such an offence subject to a duty to appear before the Crown Court.”

- (2) The foregoing provisions of this Act shall, in their application to proceedings before a coroner and to persons charged on a coroner's inquisition, have effect as if—

- (a) in section 4(2) there were substituted for paragraph (a) the following—
“(a) he is present at an inquest held by a coroner at which he is charged with the offence”;
- (b) in section 6(9) there were substituted for paragraph (b) the following—
“(b) the copy of the prescribed record is duly certified if it is certified by the coroner or his deputy;”
- (c) the references in section 5(3) and (6) and in section 8(4) to a magistrates' court were references to a coroner; and
- (d) the references in sections 5(10) and 8(4) to magistrates' courts rules were references to coroners' rules.

11 Legal aid for bail decisions in certain cases and for persons kept in custody for inquiries or reports

- (1) Part II of the Legal Aid Act 1974 shall have effect subject to the amendments made by this section.

- (2) In section 28(1) (exercise of powers to grant legal aid), for the words " subsections (2) to (4) " there shall be substituted the words " subsections (1A) to (4) ".

- (3) At the end of section 28(2) (power of magistrates' court to make a legal aid order in criminal proceedings), there shall be added the words " or, in the circumstances mentioned in paragraph (c) of section 29(1) below, for the purpose of so much of those proceedings as relates to the grant of bail ".

- (4) After paragraphs (a) and (b) of section 29(1) (which specify the cases in which a legal aid order must be made if a person's means qualify him for it), there shall be added a paragraph (preceded by the word " or ") as follows—

“(c) where a person charged with an offence before a magistrates' court is brought before the court in pursuance of a remand in custody on an occasion when he may be again remanded or committed in custody and is not (but wishes to be) legally represented before the court, not having been legally represented before the court when he was so remanded”.

- (5) After paragraph (c) of section 29(1) inserted by subsection (4) above, there shall be added a further paragraph (preceded by the word " or ") as follows—

“(d) where a person who is to be sentenced or dealt with for an offence by a magistrates' court or the Crown Court is to be kept in custody to

enable inquiries or a report to be made to assist the court in sentencing or dealing with him for the offence ;”

(6) After section 29(1) there shall be inserted the following subsection—

“(1A) Nothing in subsection (1) above shall require a magistrates' court, in the circumstances mentioned in paragraph (c) of that subsection, to order that the person charged before it be given legal aid for the purposes of the proceedings before that court and any juvenile court (as distinct from legal aid for the purpose of so much of those proceedings as relates to the grant of bail) or, in those circumstances, to make a legal aid order after the conviction of that person.”;

(7) After section 29(5) there shall be inserted the following subsection—

“(5A) Paragraphs (c) and (d) of subsection (1) above shall have effect in their application to a person who has not attained the age of eighteen as if the references to a remand in custody and to being remanded, committed or kept in custody included references to being committed under section 23 of the Children and Young Persons Act 1969 to the care of a local authority or to a remand centre.”;

(8) In section 30(2) (scope of legal aid before magistrates' courts) there shall be added at the end the words " and legal aid ordered to be given for the purpose of so much of any proceedings before a magistrates' court as relates to the grant of bail shall not include representation by counsel. "

(9) In section 30(12) (interpretation), for the words "In section 28 above " there shall be inserted the words " In sections 28 and 29 above ".

12 Amendments, repeals and transitional provisions

- (1) Schedule 2 to this Act (which contains consequential and minor amendments of enactments) shall have effect.
- (2) The enactments specified in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) The transitional provisions contained in Schedule 4 to this Act shall have effect.

13 Short title, commencement, application and extent

- (1) This Act may be cited as the Bail Act 1976.
- (2) This Act (except this section) shall come into force on such day as the Secretary of State may by order in a statutory instrument appoint.
- (3) Section 1 of this Act applies to bail grantable by the Courts-Martial Appeal Court when sitting outside England and Wales and accordingly section 6 of this Act applies to a failure outside England and Wales by a person granted bail by that Court to surrender to custody.
- (4) Except as provided by subsection (3) above and with the exception of so much of section 8 as relates to entering into recognizances in Scotland and paragraphs 31 and 46 of Schedule 2 to this Act, this Act does not extend beyond England and Wales.

SCHEDULES

SCHEDULE 1

Section 4.

PERSONS ENTITLED TO BAIL: SUPPLEMENTARY PROVISIONS

PART I

DEFENDANTS ACCUSED OR CONVICTED OF IMPRISONABLE OFFENCES

Defendants to whom Part I applies

- 1 Where the offence or one of the offences of which the defendant is accused or convicted in the proceedings is punishable with imprisonment the following provisions of this Part of this Schedule apply.

Exceptions to right to bail

- 2 The defendant need not be granted bail if the court is satisfied that there are substantial grounds for believing that the defendant, if released on bail (whether subject to conditions or not) would—
- (a) fail to surrender to custody, or
 - (b) commit an offence while on bail, or
 - (c) interfere with witnesses or otherwise obstruct the course of justice, whether in relation to himself or any other person.
- 3 The defendant need not be granted bail if the court is satisfied that the defendant should be kept in custody for his own protection or, if he is a child or young person, for his own welfare.
- 4 The defendant need not be granted bail if he is in custody in pursuance of the sentence of a court or of any authority acting under any of the Services Acts.
- 5 The defendant need not be granted bail where the court is satisfied that it has not been practicable to obtain sufficient information for the purpose of taking the decisions required by this Part of this Schedule for want of time since the institution of the proceedings against him.
- 6 The defendant need not be granted bail if, having been released on bail in or in connection with the proceedings for the offence, he has been arrested in pursuance of section 7 of this Act.

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, the defendant need not be granted bail if it appears to the court that it would be impracticable to complete the inquiries or make the report without keeping the defendant in custody.

Restriction of conditions of bail

- 8 (1) Subject to sub-paragraph (3) below, where the defendant is granted bail, no conditions shall be imposed under subsections (4) to (7) of section 3 of this Act unless it appears to the court that it is necessary to do so for the purpose of preventing the occurrence of any of the events mentioned in paragraph 2 of this Part of this Schedule or, in the case of a condition under subsection (6)(d) of that section, that it is necessary to impose it to enable inquiries or a report to be made into the defendant's physical or mental condition.
- (2) Sub-paragraph (1) above also applies on any application to the court to vary the conditions of bail or to impose conditions in respect of bail which has been granted unconditionally.
- (3) The restriction imposed by sub-paragraph (1) above shall not operate to override the direction in section 26(3) of the Magistrates' Courts Act 1952 to a magistrates' court to impose conditions of bail under section 3(6)(d) of this Act of the description specified in the said section 26(3) in the circumstances so specified.

Decisions under paragraph 2

- 9 In taking the decisions required by paragraph 2 of this Part of this Schedule, the court shall have regard to such of the following considerations as appear to it to be relevant, that is to say—
- (a) the nature and seriousness of the offence or default (and the probable method of dealing with the defendant for it),
 - (b) the character, antecedents, associations and community ties of the defendant,
 - (c) the defendant's record as respects the fulfilment of his obligations under previous grants of bail in criminal proceedings,
 - (d) except in the case of a defendant whose case is adjourned for inquiries or a report, the strength of the evidence of his having committed the offence or having defaulted,
- as well as to any others which appear to be relevant.

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 is accused or convicted in the proceedings is one which is not punishable with imprisonment the following provisions of this Part of this Schedule apply.

Exceptions to right to bail

- 2 The defendant need not be granted bail if—
- (a) it appears to the court that, having been previously granted bail in criminal proceedings, he has failed to surrender to custody in accordance with his obligations under the grant of bail; and

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(b) the court believes, in view of that failure, that the defendant, if released on bail (whether subject to conditions or not) would fail to surrender to custody.

3 The defendant need not be granted bail if the court is satisfied that the defendant should be kept in custody for his own protection or, if he is a child or young person, for his own welfare.

4 The defendant need not be granted bail if he is in custody in pursuance of the sentence of a court or of any authority acting under any of the Services Acts.

5 The defendant need not be granted bail if, having been released on bail in or in connection with the proceedings for the offence, he has been arrested in pursuance of section 7 of this Act.

PART III

INTERPRETATION

1 For the purposes of this Schedule the question whether an offence is one which is punishable with imprisonment shall be determined without regard to any enactment prohibiting or restricting the imprisonment of young offenders or first offenders.

2 References in this Schedule to previous grants of bail in criminal proceedings include references to bail granted before the coming into force of this Act.

3 References in this Schedule to a defendant's being kept in custody or being in custody include (where the defendant is a child or young person) references to his being kept or being in the care of a local authority in pursuance of a warrant of commitment under section 23(1) of the Children and Young Persons Act 1969.

4 In this Schedule—

" court ", in the expression " sentence of a court ", includes a service court as defined in section 12(1) of the Visiting Forces Act 1952 and " sentence ", in that expression, shall be construed in accordance with that definition ;

" default ", in relation to the defendant, means the default for which he is to be dealt with under section 6 or section 16 of the Powers of Criminal Courts Act 1973 ;

" the Services Acts " means the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957.

SCHEDULE 2

Section 12.

CONSEQUENTIAL AND OTHER AMENDMENTS OF ACTS

Habeas Corpus Act 1679

1 In section 2 of the Habeas Corpus Act 1679 (bail for persons released from custody under habeas corpus while awaiting trial) for the words from " discharge the said prisoner " to " his or their appearance in" there shall be substituted the words " grant bail in accordance with the Bail Act 1976 to the said prisoner subject to a duty to appear before " and for the words "and the said recognizance or recognizances "

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there shall be substituted the words " together with the recognizance of any surety for him ".

Metropolitan Police Act 1839

- 2 In section 69 (persons arrested to be kept in custody or bailed) for the words " give bail for his appearance " there shall be substituted the words " be granted bail subject to a duty to appear ".

Criminal Law Amendment Act 1867

- 3 In section 10 of the Criminal Law Amendment Act 1867 (production from prison without habeas corpus where recognizances for appearance have been taken) for the words from the beginning to " such court " there shall be substituted the words " Where a person who has been granted bail in criminal proceedings is, while awaiting trial for the offence before the Crown Court, in prison ".

Coroners Act 1887

- 4 In section 5(3) of the Coroners Act 1887 (procedure on inquisition charging a person with homicide), before the word "recognizances" there shall be inserted the word " any " and at the end there shall be added the words " together with the record of any decision of his granting bail to or withholding bail from the person charged by the inquisition. "

Interpretation Act 1889

- 5 In section 27 of the Interpretation Act 1889 (meaning of " committed for trial") for the words "to custody" wherever occurring there shall be substituted the words " in custody or on bail " and the words from " and shall include " to the end shall be omitted.

Perjury Act 1911

- 6 In section 9(1) of the Perjury Act 1911 (bail for person directed by the court to be prosecuted for perjury) for the words "admit him to bail" there shall be substituted the words " grant him bail ".

Criminal Justice Administration Act 1914

- 7 In section 19 of the Criminal Justice Administration Act 1914 (continuous bail otherwise than in proceedings in magistrates' courts), for the words "the recognizance may be conditioned" there shall be substituted the words " the court may, where it remands him on bail in criminal proceedings (within the meaning of the Bail Act 1976) direct him to appear or, in any other case, direct that his recognizance be conditioned ".

Indictments Act 1915

- 8 In section 5(5)(c) of the Indictments Act 1915 (bail where separate trial or postponed trial ordered) for the words "admitting the accused person to bail" there shall be substituted the words " granting the accused person bail ".

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Children and Young Persons Act 1933

- 9 In section 13(2) of the Children and Young Persons Act 1933 (police bail for person arrested for serious offence against juvenile) for the words from "on his entering" to the end there shall be substituted the words " on bail in accordance with the Bail Act 1976 subject to a duty to appear at the hearing of the charge " .

Public Order Act 1936

- 10 In section 1(2) of the Public Order Act 1936 (right to release on bail in certain circumstances of persons charged with wearing uniforms in public), for the words "discharged from custody on entering into a recognizance" there shall be substituted the words " released on bail " .

Criminal Justice Act 1948

- 11 (1) Section 37 of the Criminal Justice Act 1948 (powers of High Court to grant bail on appeals against and other proceedings questioning convictions or sentences) shall be amended as follows.
- (2) In subsection (1), in paragraph (b), for the words " release on bail" there shall be substituted the words " grant bail to " .
- (3) In subsection (1), for paragraph (d), there shall be substituted the following—
- “(d) the High Court may grant bail to a person who has been convicted or sentenced by a magistrates' court and has applied to the High Court for an order of certiorari to remove the proceedings into the High Court or has applied to the High Court for leave to make such an application ;” .
- (4) After subsection (1) there shall be inserted the following subsection—
- “(1A) Where the court grants bail to a person under paragraph (d) of subsection (1) above—
- (a) the time at which he is to appear in the event of the conviction or sentence not being quashed by the High Court shall be such time within ten days after the judgment of the High Court has been given as may be specified by the High Court; and
- (b) the place at which he is to appear in that event shall be a magistrates' court acting for the same petty sessions area as the court which convicted or sentenced him.”
- (5) In subsection (6), for the words " admitted to " wherever occurring there shall be substituted the words " released on " .

Representation of the People Act 1949

- 12 In section 149(7) of the Representation of the People Act 1949 (bail by election court ordering trial before magistrates' court of offences disclosed on an election petition) for the words " cause him to give bail" there shall be substituted the words " grant him bail in accordance with the Bail Act 1976 subject to a duty " .

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Diseases of Animals Act 1950

- 13 In section 71(4) of the Diseases of Animals Act 1950 (application of enactments about release on bail by police) for the words "recognizances taken" there shall be substituted the word "bail".

Magistrates' Courts Act 1952

- 14 In section 7 of the Magistrates' Courts Act 1952 (discharge or committal for trial) (in this Schedule referred to as "the Act of 1952") for subsection (2) there shall be substituted the following subsection—

“(2) Subject to section 4 of the Bail Act 1976 and section 8 of this Act, the court may commit a person for trial—

- (a) in custody, that is to say, by committing him to custody there to be safely kept until delivered in due course of law, or
- (b) on bail in accordance with the Bail Act 1976, that is to say, by directing him to appear before the Crown Court for trial;

and where his release on bail is conditional on his providing one or more surety or sureties and, in accordance with section 8(3) of the Bail Act 1976, the court fixes the amount in which the surety is to be bound with a view to his entering into his recognizance subsequently in accordance with subsections (4) and (5) or (6) of that section the court shall in the meantime commit the accused to custody in accordance with paragraph (a) of this subsection.”.

- 15 In section 7(3) of the Act of 1952 (bail after committal for trial), for the words from "release" to the end, there shall be substituted the words "grant him bail in accordance with the Bail Act 1976 subject to a duty to appear before the Crown Court for trial."

- 16 In section 8 of the Act of 1952 (bail in treason) for the words "admitted to" there shall be substituted the word "granted".

- 17 In section 26 of the Act of 1952 (remand for medical examination), for subsection (3) there shall be substituted the following—

“(3) Where on an adjournment under subsection (1) above the accused is remanded on bail, the court shall impose conditions under paragraph (d) of section 3(6) of the Bail Act 1976 and the requirements imposed as conditions under that paragraph shall be or shall include requirements that the accused—

- (a) undergo medical examination by a duly qualified medical practitioner or, where the inquiry is into his mental condition and the court so directs, two such practitioners; and
- (b) for that purpose attend such an institution or place, or on such practitioner as the court directs and, where the inquiry is into his mental condition, comply with any other directions which may be given to him for that purpose by any person specified by the court or by a person of any class so specified”.

- 18 In section 38(1) of the Act of 1952 (bail on arrest without warrant), for the words from "release" to the end there shall be substituted the words "grant him bail in accordance with the Bail Act 1976 subject to a duty to appear before a magistrates' court at such time and place as the officer appoints".

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- 19 After section 38(1) of the Act of 1952 there shall be inserted the following subsection—
- “(1A) Where a person has been granted bail under subsection (1) above, the magistrates' court before which he is to appear may appoint a later time as the time at which he is to appear and may enlarge the recognizances of any sureties for him to that time.”
- 20 In section 38(2) of the Act of 1952, for the words from " release " to " recognizance " in the second place where it occurs, there shall be substituted the words " grant him bail in accordance with the Bail Act 1976 subject to a duty to appear at such a police station and at such a time as the officer appoints " and for the words " any such recognizance " there shall be substituted the words " the recognizance of any surety for that person ".
- 21 Section 38(3) of the Act of 1952 (recognizance by parent or guardian on release of child or young person on bail) shall be omitted.
- 22 In section 89(1) of the Act of 1952 (terms of bail on appeal or case stated)—
- (a) for the words from " release " to " conditioned " there shall be substituted the words " grant him bail. "; and
- (b) for paragraphs (a) and (b) there shall be substituted the following subsection—
- “(1A) If a person is granted bail under subsection (1) above, the time and place at which he is to appear (except in the event of the determination in respect of which the case is stated being reversed by the High Court) shall be—
- (a) if he has given notice of appeal, the Crown Court at the time appointed for the hearing of the appeal;
- (b) if he has applied for the statement of a case, the magistrates' court at such time within ten days after the judgment of the High Court has been given as may be specified by the magistrates' court;
- and any recognizance that may be taken from him or from any surety for him shall be conditioned accordingly.”
- 23 In section 89(3) of the Act of 1952 (computation of sentence where bail granted pending hearing of case stated), for the words "admitted to" wherever occurring there shall be substituted the words " released on ".
- 24 For section 93 of the Act of 1952 (warrants endorsed for bail), there shall be substituted the following—
- “**93** (1) A justice of the peace on issuing a warrant for the arrest of any person may grant him bail by endorsing the warrant for bail, that is to say, by endorsing the warrant with a direction in accordance with subsection (2) below.
- (2) A direction for bail endorsed on a warrant under subsection (1) above shall—
- (a) in the case of bail in criminal proceedings, state that the person arrested is to be released on bail subject to a duty to appear before such magistrates' court and at such time as may be specified in the endorsement;
- (b) in the case of bail otherwise than in criminal proceedings, state that the person arrested is to be released on bail on his entering into such a recognizance (with or without sureties) conditioned for his

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appearance before a magistrates' court as may be specified in the endorsement;

and the endorsement shall fix the amounts in which any sureties and, in a case falling within paragraph (b) above, that person is or are to be bound.

(3) Where a warrant has been endorsed for bail under subsection (1) above, then, on the person referred to in the warrant being taken to a police station on arrest under the warrant; the officer in charge of the police station shall (subject to his approving any surety tendered in compliance with the endorsement) release him from custody as directed in the endorsement.”.

25 At the end of section 94 of the Act of 1952 (variation of terms of bail), there shall be added the following words—

“Provided that this section does not apply in relation to a person granted bail in criminal proceedings”.

26 In section 105 of the Act of 1952 (exercise of powers to remand in custody or on bail), for subsection (1) there shall be substituted the following—

“(1) Where a magistrates' court has power to remand any person, then, subject to section 4 of the Bail Act 1976 and to any other enactment modifying that power, the court may—

- (a) remand him in custody, that is to say, commit him to custody to be brought before the court at the end of the period of remand or at such earlier time as the court may require ; or
- (b) where it is inquiring into or trying an offence alleged to have been committed by that person or has convicted him of an offence, remand him on bail in accordance with the Bail Act 1976, that is to say, by directing him to appear as provided in subsection (3) of this section ; or
- (c) except in a case falling within paragraph (b) above, remand him on bail by taking from him a recognizance (with or without sureties) conditioned as provided in that subsection;

and may, in a case falling within paragraph (c) above, instead of taking recognizances in accordance with that paragraph, fix the amount of the recognizances with a view to their being taken subsequently in accordance with section 95 of this Act

(1A) Where the court fixes the amount of a recognizance under subsection (1) of this section or section 8(3) of the Bail Act 1976 with a view to its being taken subsequently the court shall in the meantime commit the person so remanded to custody in accordance with paragraph (a) of the said subsection (1).”.

27 In section 105 of the Act of 1952, for subsection (3) there shall be substituted the following—

“(3) Where a person is remanded on bail under subsection (1) of this section the court may, where it remands him on bail in accordance with the Bail Act 1976 direct him to appear or, in any other case, direct that his recognizance be conditioned for his appearance—

- (a) before that court at the end of the period of remand; or
- (b) at every time and place to which during the course of the proceedings the hearing may be from time to time adjourned;

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and, where it remands him on bail conditionally on his providing a surety during an inquiry into an offence alleged to have been committed by him, may direct that the recognizance of the surety be conditioned to secure that the person so bailed appears—

- (c) at every time and place to which during the course of the proceedings the hearing may be from time to time adjourned and also before the Crown Court in the event of the person so bailed being committed for trial mere.

(3A) Where a person is directed to appear or a recognizance is conditioned for a person's appearance in accordance with paragraph (b) or (c) of subsection (3) of this section, the fixing at any time of the time for him next to appear shall be deemed to be a remand; but nothing in this or the last preceding subsection shall deprive the court of power at any subsequent hearing to remand him afresh.”.

- 28 (1) Section 106 of the Act of 1952 (further remands) shall be amended as follows.
- (2) In subsection (2), for the words after " further time " there shall be substituted the words—
- “(a) where he was granted bail in criminal proceedings, includes power to enlarge the recognizance of any surety for him to a later time;
 - (b) where he was granted bail otherwise than in criminal proceedings, may be exercised by enlarging his recognizance and those of any sureties for him to a later time.”
- (3) For subsection (3), there shall be substituted the following subsection—
- “(3) Where a person remanded on bail is bound to appear before a magistrates' court at any time and the court has no power to remand him under subsection (1) of this section, the court may in his absence—
- (a) where he was granted bail in criminal proceedings, appoint a later time as the time at which he is to appear and enlarge the recognizances of any sureties for him to that time ;
 - (b) where he was granted bail otherwise than in criminal proceedings, enlarge his recognizance and those of any sureties for him to a later time ;
- and the appointment of the time or the enlargement of his recognizance shall be deemed to be a further remand.”
- (4) At the end of the section there shall be added the following subsection—
- “(4) Where a magistrates' court commits a person for trial on bail and the recognizance of any surety for him has been conditioned in accordance with paragraph (a) of subsection (3) of the last preceding section the court may, in the absence of the surety, enlarge his recognizance so that he is bound to secure that the person so committed for trial appears also before the Crown Court.”.
- 29 In section 126(1) of the Act of 1952 (definitions), there shall be inserted at the appropriate place the following definition—
- “bail in criminal proceedings ' has the same meaning as in the Bail Act 1976”.

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Administration of Justice Act 1960

- 30 In section 4(2) of the Administration of Justice Act 1960 (power to grant bail in appeals from Divisional Courts), after the words " in relation to " there shall be inserted the words " the time and place of appearance appointed and " and, after the words " entered into ", there shall be inserted the words " by any surety ".
- 31 In section 6(1) of the Administration of Justice Act 1960 (computation of sentence where bail granted in appeals to House of Lords) for the words " admitted to " there shall be substituted the word " granted " and for the words "at large after being so admitted " there shall be substituted the words " released on bail ".
- 32 In section 16(2) of the Administration of Justice Act 1960 (variation of sentence on certiorari) for the words " at large after being admitted to bail" there shall be substituted the words " released on bail ".

Backing of Warrants (Republic of Ireland) Act 1965

- 33 (1) Section 5 of the Backing of Warrants (Republic of Ireland) Act 1965 shall be amended as follows.
- (2) In subsection (1), for paragraph (b) and the words following that paragraph there shall be substituted the following—
- “(b) remand him on bail in accordance with the Bail Act 1976, that is to say, direct him to surrender himself into the custody of the officer in charge of a specified police station at the time to be appointed by that officer and notified in writing to the person so remanded;
- and where his release on bail is conditional on his providing one or more surety or sureties and, in accordance with section 8(3) of that Act, the court fixes the amount in which the surety is to be bound with a view to his entering into his recognizance subsequently in accordance with subsections (4) and (5) or (6) of that section the court shall in the meantime commit him to the custody of a constable.”
- (3) In subsection (2), there shall be substituted, for the words from the beginning to " so served " the words " The time to be appointed for the purposes of subsection (1) above by the officer and notified to the person so remanded ".
- (4) In subsection (3), for the words from "release" to the end there shall be substituted the words " grant him bail in accordance with the Bail Act 1976 subject to a duty to surrender himself into the custody of the officer in charge of the station specified under subsection (1) above at the time appointed by that officer and notified in writing to him; and subsection (2) above shall apply to the appointment of a time for the purposes of this subsection as it applies to the appointment of a time for the purposes of subsection (1) above. "
- (5) In subsection (4), for the words "in the recognizance" there shall be substituted the words " under subsection (1) above " and for the words " release him " there shall be substituted the words " grant him bail ".

Criminal Justice Act 1967

- 34 Section 18 of the Criminal Justice Act 1967 (restrictions on refusal of bail by magistrates' courts in criminal proceedings) shall be omitted.

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- 35 In section 19(1) of the Criminal Justice Act 1967 (restriction on justices sitting after dealing with bail) for the words "the question of the defendant's admission to bail" there shall be substituted the words " whether the defendant shall be granted bail ".
- 36 Section 21 of the Criminal Justice Act 1967 (power to impose special conditions of bail) shall be omitted.
- 37 (1) Section 22 of the Criminal Justice Act 1967 (extension of power of High Court to grant, or vary conditions of, bail) shall be amended as follows.
- (2) For subsections (1) and (2) there shall be substituted the following—
- “(1) Where an inferior court withholds bail in criminal proceedings or imposes conditions in granting bail in criminal proceedings, the High Court may grant bail or vary the conditions.
- (2) Where the High Court grants a person bail under this section it may direct him to appear at a time and place which the inferior court could have directed and the recognizance of any surety shall be conditioned accordingly.”
- (3) In subsection (3) for the words " admitted to " wherever occurring there shall be substituted the word " granted ".
- (4) At the end of subsection (4) there shall be added the word & " and 'bail in criminal proceedings' and 'vary' have the same meanings as they have in the Bail Act 1976. "

Criminal Appeal Act 1968

- 38 In section 8(2) and (3) of the Criminal Appeal Act 1968 (bail etc on retrial), in paragraph (a), for the words "admission to " there shall be substituted the words " release on ".
- 39 In section 16(3) of the Criminal Appeal Act 1968 (orders pending trial on reversal of finding of unfitness) for the words " admission to " there shall be substituted the words " release on ".
- 40 In section 19 of the Criminal Appeal Act 1968 (bail on appeal to Court of Appeal) for the words "admit him to" there shall be substituted the words " grant him ".
- 41 In section 29(3) of the Criminal Appeal Act 1968 (computation of sentence where bail granted by Court of Appeal) for the words " admitted to " there shall be substituted the word " granted " and for the words "at large after being so admitted" there shall be substituted the words " released on bail ".
- 42 In section 31(2) of the Criminal Appeal Act 1968 (powers of Court of Appeal exercisable by single judge), for paragraph (e), there shall be substituted the following—
- “(e) to grant bail to an appellant”.
- 43 In section 36 of the Criminal Appeal Act 1968 (bail on appeal from Court of Appeal) for the words " admit him to " there shall be substituted the words " grant him ".
- 44 In section 43(1) of the Criminal Appeal Act 1968 (computation of sentence where bail granted on appeal to House of Lords) for the words "admitted to" there shall be substituted the word " granted " and for the words "at large after being so admitted" there shall be substituted the words " released on bail ".

- 45 In Schedule 2 to the Criminal Appeal Act 1968 (provisions about retrial) in paragraph 2(3)(b) for the words "at large after being admitted to bail" there shall be substituted the words " released on bail ".

Courts-Martial (Appeals) Act 1968

- 46 In section 45(2) of the Courts-Martial (Appeals) Act 1968 (computation of sentence where bail granted on appeal to House of Lords) for the words " admitted to" there shall be substituted the word " granted " and for the words "at large after being so admitted" there shall be substituted the words " released on bail ".

Children and Young Persons Act 1969

- 47 In section 29 of the Children and Young Persons Act 1969, (release or further detention of arrested child or young person), for subsection (2), there shall be substituted the following:—

“(2) Where a parent or guardian enters into a recognizance to secure that the child or young person appears at the hearing of the charge, the recognizance may, if the said officer thinks fit, be conditioned for the attendance of the parent or guardian at the hearing in addition to the person arrested.”:

and subsection (6) shall be omitted.

Courts Act 1971

- 48 (1) Section 13 of the Courts Act 1971 (bail in the Crown Court) shall be amended as follows.
- (2) At the beginning of subsection (1) there shall be inserted the words " Any direction to appear and " and after the words " specified in the ", there shall be inserted the word " direction. ".
- (3) In subsection (4), for the words preceding the paragraphs there shall be substituted the words " The Crown Court may grant bail to any person— ", and for the words " admitted to " there shall be substituted the words " released on ".
- (4) For subsection (5)(a) there shall be substituted the following paragraph—
- “(a) except in the case of bail in criminal proceedings, allowing the court, instead of requiring a person to enter into a recognizance, to consent to his giving other security.”
- (5) At the end of subsection (6) there shall be added the following words—
- “Provided that in the case of bail in criminal proceedings, the person arrested shall not be required to enter into a recognizance.”
- (6) At the end of the section there shall be added the following subsection—
- “(10) In this section 'bail in criminal proceedings' has the same meaning as in the Bail Act 1976”.

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SCHEDULE 3

Section 12.

REPEALS

Chapter	Short Title	Extent of Repeal
31 Chas. 2. c. 2.	The Habeas Corpus Act 1679.	In section 5, the words " by recognizance ".
32 Geo. 3. c. 56.	The Servants' Characters Act 1792.	In section 6, the words " and enter into recognizance ".
2 & 3 Vict. c. 47.	The Metropolitan Police Act 1839.	In section 69, the words from " to take bail" to the end.
2 & 3 Vict. c. 71.	The Metropolitan Police Courts Act 1839.	Section 36.
52 & 53 Vict. c. 63.	The Interpretation Act 1889.	In section 27, the words from "and shall include" to the end.
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	In section 37, subsections (2) and (3) and, in subsection (4), paragraph (a).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.	The Magistrates' Courts Act 1952.	In section 16(2), the words " to enter into a recognizance or". In section 26, subsection (4). Section 38(3). Section 97.
8 & 9 Eliz. 2. c. 65.	The Administration of Justice Act 1960.	In section 4(3), the words " the applicant or ".
1965 c. 45.	The Backing of Warrants (Republic of Ireland) Act 1965.	In section 5(4) the words " in breach of a recognizance taken from him under this section " and "without prejudice to the enforcement of the recognizance ".
1967 c. 80.	The Criminal Justice Act 1967.	Sections 18 and 21. In section 22(3), the reference to subsection (3) of section 37 of the Criminal Justice Act 1948. Section 23.
1969 c. 54.	The Children and Young Persons Act 1969.	In section 29, subsection (6).
1971 c. 23.	The Courts Act 1971.	In section 13, subsection (3).

Chapter	Short Title	Extent of Repeal
1972 c. 71.	The Criminal Justice Act 1972.	Section 43.

SCHEDULE 4

Section 12.

TRANSITIONAL PROVISIONS

- 1 (1) Without prejudice to section 38(2) of the Interpretation Act 1889 (effect of repeals), nothing in the amendments or repeals effected by section 12 of and Schedules 2 and 3 to this Act shall affect the application of the enactments amended or repealed thereby in relation to recognizances entered into or security given by persons granted bail before the appointed day and the recognizances of any sureties for them.
- (2) Nothing in those amendments or repeals shall, in particular, affect the doing of any of the following things after the appointed day, that is to say—
- (a) the enforcement of the recognizance of such a person in the event of a breach of recognizance after the appointed day ;
 - (b) the exercise of any power to issue and the execution of a warrant for the arrest of such a person for breach of his recognizance after the appointed day ;
 - (c) the exercise of any power to enlarge the recognizance of such a person and of any surety for him to a later time in the absence of that person and his surety (if any);
 - (d) the exercise of any power to vary any conditions on which a person was granted bail before the appointed day or to reduce the amount in which he or any surety is to be bound or to discharge or dispense with any of the sureties;
- and no application shall be made under section 3(8) of this Act for the variation of conditions of bail so granted or for the imposition of conditions in respect of bail so granted.
- 2 Where, before the appointed day, a court has—
- (a) given a direction that the recognizance of a person to whom it has granted bail may be entered into before another court or any person, or
 - (b) endorsed a warrant for the arrest of a person with a direction that he be released on his entering into such a recognizance as is specified in the endorsement,
- the recognizance may be entered into and taken after the appointed day in accordance with the direction and paragraph 1 above shall apply to such a recognizance as it applies to a recognizance entered into before the appointed day.
- 3 Where a person has been granted bail before the appointed day and his recognizance (and that of any surety for him) is conditioned for his appearance before a court from time to time, then, on his first appearance before a court after the appointed day—
- (a) the recognizance of that person shall be discharged ; and
 - (b) the recognizance of any surety for him shall, as directed by the court, either be discharged or continue in force.
- 4 In this Schedule " the appointed day " means the day appointed under section 13(2) of this Act for it to come into force.