

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.

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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.