



Bail Act 1976

1976 CHAPTER 63

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 [^{F1}or for a variation of the conditions of 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 [^{F2}Part II of Schedule 2 to the Criminal Justice Act 1991 (breach of requirement of probation, community service, combination or curfew 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 [^{F3}section 41 of the Magistrates' Courts Act 1980] (restriction of bail by magistrates' court in cases of treason).

Status: Point in time view as at 30/09/1998.

Changes to legislation: Bail Act 1976, Cross Heading: Bail for accused persons and others is up to date with all changes known to be in force on or before 26 July 2024. 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)

[^{F4}(8) This section is subject to section 25 of the Criminal Justice and Public Order Act 1994 (exclusion of bail in cases of homicide and rape).]

Textual Amendments

- F1** Words in s. 4(2)(b) inserted (10.4.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para.33**; S.I. 1995/721, **art. 2**, Sch. Appendix A
- F2** Words in s. 4(3) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 21**; S.I. 1992/333, art. 2(2), **Sch. 2**.
- F3** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 7 para. 145**
- F4** S. 4(8) inserted (10.4.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para.32**; S.I. 1995/721, **art. 2**, Sch. Appendix A

Status:

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