



Bail Act 1976

1976 CHAPTER 63

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) ^{F1} . . . 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 ^{F2}... to comply, before release on bail or later, with such requirements as appear to the court to be necessary ^{F3}...—
 - (a) [^{F4}to secure that] he surrenders to custody,
 - (b) [^{F4}to secure that] he does not commit an offence while on bail,
 - (c) [^{F4}to secure that] he does not interfere with witnesses or otherwise obstruct the course of justice whether in relation to himself or any other person,
 - ^{F5}(ca) for his own protection or, if he is a child or young person, for his own welfare or in his own interests,]
 - (d) [^{F4}to secure that] 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.

Changes to legislation: Bail Act 1976, Cross Heading: Incidents of bail in criminal proceedings is up to date with all changes known to be in force on or before 21 June 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) View outstanding changes

[^{F6}(e) [^{F4}to secure that] before the time appointed for him to surrender to custody, he attends an interview with [^{F7}a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act)];]

[^{F8}and, in any Act, “the normal powers to impose conditions of bail” means the powers to impose conditions under paragraph (a), (b) [^{F9}, (c) or (ca)] above]

[^{F10}(6ZAA) The requirements which may be imposed under subsection (6) include electronic monitoring requirements.

The imposition of electronic monitoring requirements is subject to section 3AA (in the case of a child or young [^{F11}person granted bail in criminal proceedings of the kind mentioned in section 1(1)(a) or (b)), section 3AAA (in the case of a child or young person granted bail in connection with extradition proceedings),] section 3AB (in the case of other persons) and section 3AC (in all cases).

(6ZAB) In this section and sections 3AA to 3AC “electronic monitoring requirements” means requirements imposed for the purpose of securing the electronic monitoring of a person's compliance with any other requirement imposed on him as a condition of bail.]

[^{F12}(6ZA) Where he is required under subsection (6) above to reside in a bail hostel or probation hostel, he may also be required to comply with the rules of the hostel.]

[^{F13}(6A) In the case of a person accused of murder the court granting bail shall, unless it considers that satisfactory reports on his mental condition have already been obtained, impose as conditions of bail—

- (a) a requirement that the accused shall undergo examination by two medical practitioners for the purpose of enabling such reports to be prepared; and
- (b) a requirement that he shall for that purpose attend such an institution or place as the court directs and comply with any other directions which may be given to him for that purpose by either of those practitioners.

(6B) Of the medical practitioners referred to in subsection (6A) above at least one shall be a practitioner approved for the purposes of [^{F14}section 12 of the Mental Health Act 1983].]

[^{F15}(6C) Subsection (6D) below applies where—

- (a) the court has been notified by the Secretary of State that arrangements for conducting a relevant assessment or, as the case may be, providing relevant follow-up have been made for the [^{F16}local justice area] in which it appears to the court that the person referred to in subsection (6D) would reside if granted bail; and
- (b) the notice has not been withdrawn.

(6D) In the case of a person (“P”)—

- (a) in relation to whom paragraphs (a) to (c) of paragraph 6B(1) of Part 1 of Schedule 1 to this Act apply [^{F17}(including where P is a person to whom the provisions of Part 1A of Schedule 1 apply)];
- (b) who, after analysis of the sample referred to in paragraph (b) of that paragraph, has been offered a relevant assessment or, if a relevant assessment has been carried out, has had relevant follow-up proposed to him; and

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(c) who has agreed to undergo the relevant assessment or, as the case may be, to participate in the relevant follow-up,

the court, if it grants bail, shall impose as a condition of bail that P both undergo the relevant assessment and participate in any relevant follow-up proposed to him or, if a relevant assessment has been carried out, that P participate in the relevant follow-up.

(6E) In subsections (6C) and (6D) above—

- (a) “relevant assessment” means an assessment conducted by a suitably qualified person of whether P is dependent upon or has a propensity to misuse any specified Class A drugs;
- (b) “relevant follow-up” means, in a case where the person who conducted the relevant assessment believes P to have such a dependency or propensity, such further assessment, and such assistance or treatment (or both) in connection with the dependency or propensity, as the person who conducted the relevant assessment (or conducts any later assessment) considers to be appropriate in P’s case,

and in paragraph (a) above “Class A drug” and “misuse” have the same meaning as in the Misuse of Drugs Act 1971, and “specified” (in relation to a Class A drug) has the same meaning as in Part 3 of the Criminal Justice and Court Services Act 2000.

(6F) In subsection (6E)(a) above, “suitably qualified person” means a person who has such qualifications or experience as are from time to time specified by the Secretary of State for the purposes of this subsection.]

(7) If a parent or guardian of [^{F18}a person under the age of seventeen] consents to be surety for [^{F19}the person] for the purposes of this subsection, the parent or guardian may be required to secure that [^{F19}the person] complies with any requirement imposed on him by virtue of [^{F20}subsection (6) [^{F21}, (6ZAA)] or (6A) above], but—

- (a) no requirement shall be imposed on the parent or the guardian ^{F22}... by virtue of this subsection where it appears that the ^{F23}... 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 [^{F24}that court or, where that court has [^{F25}sent] a person on bail to the Crown Court for trial or [^{F26}committed him on bail to the Crown Court] to be sentenced or otherwise dealt with, that court or the Crown Court may] on application—

- (a) by or on behalf of the person to whom [^{F24}bail was] granted, or
- (b) by the prosecutor or a constable,

vary the conditions of bail or impose conditions in respect of bail which [^{F24}has been] granted unconditionally.

^{F27}(8A)

^{F28}(8B)

(9) This section is subject to [^{F29}subsection (3) of section 11 of the Powers of Criminal Courts (Sentencing) Act 2000] (conditions of bail on remand for medical examination).

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[^{F30}(10) This section is subject, in its application to bail granted by a constable, to section 3A of this Act.]

^{F31}(10)

Textual Amendments

- F1** Words in s. 3(5) repealed (30.9.1998) by 1998 c. 37, ss. 54(1), 120(2), **Sch. 10**; S.I. 1998/2327, **art. 2(3)(n)**
- F2** Words in s. 3(6) repealed (10.4.1995) by 1994 c. 33, ss. 27(2)(a), 168(3), **Sch. 11**; S.I. 1995/721, art. 2, **Sch. Appendix B**
- F3** Words in s. 3(6) repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 13(1)(a), 336(3)(4), **Sch. 37 Pt. 2** (with s. 141); S.I. 2004/829, art. 2(1)(2)(b)(i)(ii)
- F4** Words in s. 3(6)(a)-(e) inserted (5.4.2004) by Criminal Justice Act 2003 (c. 44), **ss. 13(1)(b)**, 336(3)(4) (with s. 141); S.I. 2004/829, art. 2(1)(2)(b)
- F5** S. 3(6)(ca) inserted (5.4.2004) by Criminal Justice Act 2003 (c. 44), **ss. 13(1)(c)**, 336(3)(4) (with s. 141); S.I. 2004/829, art. 2(1)(2)(b)
- F6** S. 3(6)(e) inserted (30.9.1998) by 1998 c. 37, **s. 54(2)**; S.I. 1998/2327, **art. 2(1)(n)**
- F7** Words in s. 3(6)(e) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), s. 211(2), **Sch. 21 para. 34** (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(h)
- F8** Words at the end of s. 3(6) inserted (10.4.1995) by 1994 c. 33, **s. 27(2)(b)**; S.I. 1995/721, art. 2, **Sch. 11**
- F9** Words in s. 3(6) substituted (5.4.2004) by Criminal Justice Act 2003 (c. 44), **ss. 13(1)(d)**, 336(3)(4) (with s. 141); S.I. 2004/829, art. 2(1)(2)(b)
- F10** S. 3(6ZAA)(6ZAB) substituted for s. 3(6ZAA) (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 11 para. 2**; S.I. 2008/2712, art. 2, Sch. para. 15
- F11** Words in s. 3(6ZAA) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 11 para. 3(2)**; S.I. 2012/2906, art. 2(i)
- F12** S. 3(6ZA) inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 131(1), **Sch. 8 para. 16**
- F13** S. 3(6A)(6B) inserted by Mental Health (Amendment) Act 1982 (c. 51, SIF 85), **s. 34(2)**
- F14** Words substituted by Mental Health Act 1983 (c. 20, SIF 85), **Sch. 4 para. 46**
- F15** S. 3(6C)-(6F) inserted (5.4.2004) by Criminal Justice Act 2003 (c. 44), **ss. 19(2)**, 336(3)(4) (with s. 141); S.I. 2004/829, art. 2(1)(2)(b)
- F16** Words in s. 3(6C)(a) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, **Sch. para. 40**
- F17** Words in s. 3(6D)(a) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 12 para. 2**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 27
- F18** Words in s. 3(7) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 11 para. 3(3)(a)**; S.I. 2012/2906, art. 2(i)
- F19** Words in s. 3(7) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 11 para. 3(3)(b)**; S.I. 2012/2906, art. 2(i)
- F20** Words substituted by Mental Health (Amendment) Act 1982 (c. 51, SIF 85), **s. 34(3)**
- F21** Words in s. 3(7) inserted (1.3.2002) by 2001 c. 16, **s. 131(3)**; S.I. 2002/344, **art. 2** (with transitional provisions in art. 4)
- F22** Words in s. 3(7)(a) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 11 para. 3(3)(c)(i)**; S.I. 2012/2906, art. 2(i)
- F23** Word in s. 3(7)(a) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 11 para. 3(3)(c)(ii)**; S.I. 2012/2906, art. 2(i)
- F24** Words substituted by Criminal Law Act 1977 (c. 45), **Sch. 12**
- F25** Word in s. 3(8) substituted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 3 para. 48(2)(a)(i)**; S.I. 2005/1267, art. 2(1)(2)(b), Sch. Pt. 2; S.I.

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- 2012/1320, art. 4(1)(c)(2)(3) (with art. 5); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F26** Words in s. 3(8) inserted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 3 para. 48(2)(a)(ii)**; S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F27** S. 3(8A) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 48(2)(b), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5); S.I. 2012/2574, art. 2(2)(3)(c)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 3, 4)
- F28** S. 3(8B) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 48(2)(b), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5); S.I. 2012/2574, art. 2(2)(3)(c)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 3, 4)
- F29** Words in s. 3(9) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 51**
- F30** S. 3(10) beginning "This section is" inserted (10.4.1995) by 1994 c. 33, s. 27(2)(c); S.I. 1995/721, art. 2, **Sch.**
- F31** S. 3(10) (which was inserted by 1994 c. 33, **Sch. 9 para. 12(b)**) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 48(2)(b), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5); S.I. 2012/2574, art. 2(2)(3)(c)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 3, 4)

Modifications etc. (not altering text)

- C1** S. 3(6D) modified (1.12.2005 for specified purposes, 1.4.2007 in so far as not already in force) by Drugs Act 2005 (c. 17), ss. 17(2), 24(3) (with s. 17(4)); S.I. 2005/3053, art. 2(2)(d), S.I. 2007/562, art. 2(2)(d)

[^{F32}3AA [^{F33}Conditions for the imposition of electronic monitoring requirements: children and young persons [^{F34}released on bail other than in extradition proceedings]]

[^{F35}(1) A court may not impose electronic monitoring requirements on a child or young person [^{F36}released on bail in criminal proceedings of the kind mentioned in section 1(1)(a) or (b)] unless each of the following conditions is met.]

(2) The first condition is that the child or young person has attained the age of twelve years.

(3) The second condition is that—

- (a) the child or young person is charged with or has been convicted of a violent [^{F37}, sexual or terrorism] offence, or an offence punishable in the case of an adult with imprisonment for a term of fourteen years or more; or
- (b) he is charged with or has been convicted of one or more imprisonable offences which, together with any other imprisonable offences of which he has been convicted in any proceedings—
 - (i) amount, or
 - (ii) would, if he were convicted of the offences with which he is charged, amount,

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to a recent history of repeatedly committing imprisonable offences while remanded on bail or [^{F38}subject to a custodial remand].

[^{F39}(4) The third condition is that the court is satisfied that the necessary provision for dealing with the person concerned can be made under arrangements for the electronic monitoring of persons released on bail that are currently available in each local justice area which is a relevant area.]

(5) The fourth condition is that a youth offending team has informed the court that in its opinion the imposition of [^{F40}electronic monitoring requirements] will be suitable in the case of the child or young person.

^{F41}(6)

^{F41}(7)

^{F41}(8)

^{F41}(9)

^{F41}(10)

[^{F42}(11) The references in subsection (3)(b) to an imprisonable offence include a reference to an offence—

- (a) of which the child or young person has been convicted outside England and Wales, and
- (b) which is equivalent to an offence that is punishable with imprisonment in England and Wales.

(12) The reference in subsection (3)(b) to a child or young person being subject to a custodial remand is to the child or young person being—

- (a) remanded to local authority accommodation or youth detention accommodation under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012,
- (b) remanded to local authority accommodation under section 23 of the Children and Young Persons Act 1969 or to prison under that section as modified by section 98 of the Crime and Disorder Act 1998 or under section 27 of the Criminal Justice Act 1948, or
- (c) subject to a form of custodial detention in a country or territory outside England and Wales while awaiting trial or sentence in that country or territory or during a trial in that country or territory.]]

Textual Amendments

F32 S. 3AA inserted (1.3.2002) by 2001 c. 16, s. 131(2); S.I. 2002/344, art. 2 (with transitional provisions in art. 4)

F33 S. 3AA heading substituted (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 11 para. 3(2); S.I. 2008/2712, art. 2, Sch. para. 15

F34 Words in s. 3AA heading inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 11 para. 4(2); S.I. 2012/2906, art. 2(i)

F35 S. 3AA(1) substituted (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 11 para. 3(3); S.I. 2008/2712, art. 2, Sch. para. 15

F36 Words in s. 3AA(1) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 11 para. 4(3); S.I. 2012/2906, art. 2(i)

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- F37** Words in s. 3AA(3)(a) substituted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(3), **Sch. 4 para. 3(3)** (with s. 25(3)(4))
- F38** Words in s. 3AA(3)(b) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 15(2)**; S.I. 2012/2906, art. 2(j)
- F39** S. 3AA(4) substituted (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 11 para. 3(4)**; S.I. 2008/2712, art. 2, Sch. para. 15
- F40** Words in s. 3AA(5) substituted (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 11 para. 3(5)**; S.I. 2008/2712, art. 2, Sch. para. 15
- F41** S. 3AA(6)-(10) repealed (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 11 para. 3(6), **Sch. 28 Pt. 4**; S.I. 2008/2712, art. 2, Sch. paras. 1519(3)(b)
- F42** S. 3AA(11)(12) substituted for s. 3AA(11) (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 15(3)**; S.I. 2012/2906, art. 2(j) [Editorial note: a previous subsection (12) was repealed (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 11 para. 3(6), Sch. 28 Pt. 4; S.I. 2008/2712, art. 2, Sch. paras. 1519(3)(b)]

Modifications etc. (not altering text)

- C2** S. 3AA applied (3.12.2014) by The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141), regs. 1(b), **88(4)(b)**
- C3** S. 3AA(4) modified (3.12.2014) by The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141), regs. 1(b), **78(3)(a)**

[^{F43}3AA] Conditions for the imposition of electronic monitoring requirements: children and young persons released on bail in extradition proceedings

- (1) A court may not impose electronic monitoring requirements on a child or young person released on bail in connection with extradition proceedings unless each of the following conditions is met.
- (2) The first condition is that the child or young person has attained the age of twelve years.
- (3) The second condition is that—
 - (a) the conduct constituting the offence to which the extradition proceedings relate, or one or more of those offences, would, if committed in England and Wales, constitute a violent [^{F44}, sexual or terrorism] offence or an offence punishable in the case of an adult with imprisonment for a term of fourteen years or more, or
 - (b) the offence or offences to which the extradition proceedings relate, together with any other imprisonable offences of which the child or young person has been convicted in any proceedings—
 - (i) amount, or
 - (ii) would, if the child or young person were convicted of that offence or those offences, amount,

to a recent history of committing imprisonable offences while on bail or subject to a custodial remand.
- (4) The third condition is that the court is satisfied that the necessary provision for dealing with the child or young person concerned can be made under arrangements for the electronic monitoring of persons released on bail that are currently available in each local justice area which is a relevant area.

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- (5) The fourth condition is that a youth offending team has informed the court that in its opinion the imposition of electronic monitoring requirements will be suitable in the case of the child or young person.
- (6) The references in subsection (3)(b) to an imprisonable offence include a reference to an offence—
- (a) of which the child or young person has been accused or convicted outside England and Wales, and
 - (b) which is equivalent to an offence that is punishable with imprisonment in England and Wales.
- (7) The reference in subsection (3)(b) to a child or young person being subject to a custodial remand is to the child or young person being—
- (a) remanded to local authority accommodation or youth detention accommodation under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012,
 - (b) remanded to local authority accommodation under section 23 of the Children and Young Persons Act 1969 or to prison under that section as modified by section 98 of the Crime and Disorder Act 1998 or under section 27 of the Criminal Justice Act 1948, or
 - (c) subject to a form of custodial detention in a country or territory outside England and Wales while awaiting trial or sentence in that country or territory or during a trial in that country or territory.]

Textual Amendments

- F43** S. 3AAA inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 11 para. 5](#); S.I. 2012/2906, art. 2(i)
- F44** Words in s. 3AAA(3)(a) substituted (12.4.2019) by [Counter-Terrorism and Border Security Act 2019](#) (c. 3), s. 27(3), [Sch. 4 para. 3\(4\)](#) (with s. 25(3)(4))

[^{F45}3AB Conditions for the imposition of electronic monitoring requirements: other persons

- (1) A court may not impose electronic monitoring requirements on a person who has attained the age of [^{F46}eighteen] unless each of the following conditions is met.
- (2) The first condition is that the court is satisfied that without the electronic monitoring requirements the person would not be granted bail.
- (3) The second condition is that the court is satisfied that the necessary provision for dealing with the person concerned can be made under arrangements for the electronic monitoring of persons released on bail that are currently available in each local justice area which is a relevant area.

^{F47}(4)

Textual Amendments

- F45** Ss. 3AB, 3AC inserted (3.11.2008) by [Criminal Justice and Immigration Act 2008](#) (c. 4), s. 153(7), [Sch. 11 para. 4](#); S.I. 2008/2712, art. 2, Sch. para. 15

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F46 Word in s. 3AB(1) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 11 para. 6(2)**; S.I. 2012/2906, art. 2(i)

F47 S. 3AB(4) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 11 para. 6(3)**; S.I. 2012/2906, art. 2(i)

Modifications etc. (not altering text)

C4 S. 3AB(1) applied (3.12.2014) by The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141), regs. 1(b), **88(4)(b)**

C5 S. 3AB(3) modified (3.12.2014) by The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141), regs. 1(b), **78(3)(a)**

C6 S. 3AB(3) applied (3.12.2014) by The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141), regs. 1(b), **88(4)(b)**

3AC Electronic monitoring: general provisions

- (1) Where a court imposes electronic monitoring requirements as a condition of bail, the requirements must include provision for making a person responsible for the monitoring.
- (2) A person may not be made responsible for the electronic monitoring of a person on bail unless he is of a description specified in an order made by the Secretary of State.
- (3) The Secretary of State may make rules for regulating—
 - (a) the electronic monitoring of persons on bail;
 - (b) without prejudice to the generality of paragraph (a), the functions of persons made responsible for such monitoring.
- (4) The rules may make different provision for different cases.
- (5) Any power of the Secretary of State to make an order or rules under this section is exercisable by statutory instrument.
- (6) A statutory instrument containing rules under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) For the purposes of section 3AA [^{F48}, 3AAA] or 3AB a local justice area is a relevant area in relation to a proposed electronic monitoring requirement if the court considers that it will not be practicable to secure the electronic monitoring in question unless electronic monitoring arrangements are available in that area.
- (8) Nothing in sections 3, 3AA [^{F48}, 3AAA] or 3AB is to be taken to require the Secretary of State to ensure that arrangements are made for the electronic monitoring of persons released on bail.]

Textual Amendments

F45 Ss. 3AB, 3AC inserted (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 11 para. 4**; S.I. 2008/2712, art. 2, Sch. para. 15

F48 Words in s. 3AC(7)(8) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 11 para. 7**; S.I. 2012/2906, art. 2(i)

Modifications etc. (not altering text)

C7 S. 3AC modified (3.12.2014) by The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141), regs. 1(b), **78(3)(b)**

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- C8** S. 3AC(1) applied (3.12.2014) by The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141), regs. 1(b), **88(4)(b)**
- C9** S. 3AC(2) applied (3.12.2014) by The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141), regs. 1(b), **88(4)(c)**

[^{F49}3A Conditions of bail in case of police bail.

- (1) Section 3 of this Act applies, in relation to bail granted by a custody officer under Part IV of the ^{M1}Police and Criminal Evidence Act 1984 [^{F50} or Part 3 of the Criminal Justice Act 2003] in cases where the normal powers to impose conditions of bail are available to him, subject to the following modifications.
- (2) Subsection (6) does not authorise the imposition of a requirement to reside in a bail hostel or any requirement under [^{F51}paragraph (d) or (e)].
- (3) Subsections [^{F52}(6ZAA),](6ZA) [^{F53}and (6A) to (6F)] shall be omitted.
- (4) For subsection (8), substitute the following—
 - (”) Where a custody officer has granted bail in criminal proceedings he or another custody officer serving at the same police station may, at the request of the person to whom it was granted, vary the conditions of bail; and in doing so he may impose conditions or more onerous conditions.”.
- (5) Where a constable grants bail to a person no conditions shall be imposed under subsections (4), (5), (6) or (7) of section 3 of this Act unless it appears to the constable that it is necessary to do so ^{F54}...—
 - (a) [^{F55}for the purpose of preventing that person from] failing to surrender to custody, or
 - (b) [^{F55}for the purpose of preventing that person from] committing an offence while on bail, or
 - (c) [^{F55}for the purpose of preventing that person from] interfering with witnesses or otherwise obstructing the course of justice, whether in relation to himself or any other person. [^{F56}or
 - (d) for that person’s own protection or, if he is a child or young person, for his own welfare or in his own interests.]
- (6) Subsection (5) above also applies on any request to a custody officer under subsection (8) of section 3 of this Act to vary the conditions of bail.]
- [^{F57}(7) For further provision about the grant of bail by a custody officer under Part 4 of the Police and Criminal Evidence Act 1984 or the variation by a custody officer of the conditions of bail granted under that Part, see section 47ZZA of that Act.]

Textual Amendments

- F49** S. 3A inserted (10.4.1995) by 1994 c. 33, s. 27(3); S.I. 1995/721, art. 2, **Sch.**
- F50** Words in s. 3A(1) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 14 para. 5(a)**; S.I. 2007/709, art. 3(p) (with art. 6)
- F51** Words in s. 3A(2) substituted (30.9.1998) by 1998 c. 37, s. 54(3); S.I. 1998/2327, art. 2(1)(n)
- F52** Words in s. 3A(3) inserted (1.3.2002) by 2001 c. 16, s. 131(4); S.I. 2002/344, art. 2 (with transitional provisions in art. 4)

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- F53** Words in s. 3A(3) substituted (5.4.2004) by Criminal Justice Act 2003 (c. 44), **ss. 19(3)**, 336(3)(4) (with s. 141); S.I. 2004/829, art. 2(1)(2)(b)
- F54** Words in s. 3A(5) repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 13(2)(a), 336(3)(4), **Sch. 37 Pt. 2** (with s. 141); S.I. 2004/829, art. 2(1)(2)(b)(1)(ii)
- F55** Words in s. 3A(5)(a)-(c) inserted (5.4.2004) by Criminal Justice Act 2003 (c. 44), **ss. 13(2)(b)**, 336(3)(4) (with s. 141); S.I. 2004/829, art. 2(1)(2)(b)
- F56** S. 3A(5)(d) and word inserted (5.4.2004) by Criminal Justice Act 2003 (c. 44), **ss. 13(2)(c)**, 336(3)(4) (with s. 141); S.I. 2004/829, art. 2(1)(2)(b)
- F57** S. 3A(7) inserted (28.10.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 4 para. 19** (with s. 45(3)); S.I. 2022/1075, **reg. 4(b)**

Marginal Citations

- M1** 1984 c. 60.

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