



# Bail Act 1976

## 1976 CHAPTER 63

### *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.

*Status: Point in time view as at 10/04/1995.*

*Changes to legislation: Bail Act 1976, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 04 September 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)*

**Modifications etc. (not altering text)**

C1 S. 9(5) explained by [Criminal Jurisdiction Act 1975 \(c. 59\), s. 12](#)

**10** ..... F1

**Textual Amendments**

F1 S. 10 repealed by [Criminal Law Act 1977 \(c. 45\), Sch. 13](#)

**11** ..... F2

**Textual Amendments**

F2 S. 11 repealed by [Legal Aid Act 1988 \(c. 34, SIF 77:1\), s. 45, Sch. 6](#)

**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.

**Modifications etc. (not altering text)**

C2 The text of s. 12(1)(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**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.

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**Modifications etc. (not altering text)**

**C3** 17.4.1978 appointed under s. 13(2) by [S.I. 1978/132](#)

**Status:**

Point in time view as at 10/04/1995.

**Changes to legislation:**

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