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Changes to legislation: Bail Act 1976, SCHEDULE 1 is up to date with all changes known to be in force on or before 19 May 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)

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.
- [^{F1}2A The defendant need not be granted bail if—
- (a) the offence is an indictable offence or an offence triable either way; and
 - (b) it appears to the court that he was on bail in criminal proceedings on the date of the offence.]

Textual Amendments

F1 Sch. 1 Pt. I para. 2A inserted (10.4.1995) by 1994 c. 33, s. 26(a); S.I. 1995/721, art. 2, Sch.

- 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.

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- 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) ^{F2}(except subsection (6)(d) ^{F3}or (e))] 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 ^{F4}. . . .

^{F5}(1A) No condition shall be imposed under section 3(6)(d) of this Act unless it appears to be necessary to do so for the purpose of enabling inquiries or a report to be made.]

- (2) ^{F6}Sub-paragraphs (1) and (1A) above also apply] 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 ^{F7}sub-paragraph (1A)]above shall not ^{F8}apply to the conditions required to be imposed under section 3(6A) of this Act or] operate to override the direction in ^{F9}section 11(3) of the Powers of Criminal Courts (Sentencing) Act 2000]to a magistrates' court to impose conditions of bail under section 3(6)(d) of this Act of the description specified in ^{F10}the said section 11(3)]in the circumstances so specified.

Textual Amendments

- F2** Words in Sch. 1 para. 8 inserted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11, para. 22\(2\)](#); [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#).
- F3** Words in Sch. 1 para. 8(1) inserted (30.9.1998) by [1998 c. 37 s. 119](#), Sch. 8 para. 38; [S.I. 1998/2327, art. 2\(2\)\(m\)](#).
- F4** Words in [Sch. 1 para. 8](#) repealed (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), [ss. 100, 101\(2\)](#), Sch. 11. para. 22(2), Sch. 13; [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#).
- F5** Sch. 1 para. 8(1A) inserted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11 para. 22\(3\)](#); [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#).
- F6** Words in Sch. 1 para. 8(2) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11 para. 22\(4\)](#); [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#).
- F7** Words in Sch. 1 para. 8(3) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11 para. 22\(5\)](#); [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#).
- F8** Words inserted by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), [s. 34\(4\)](#)
- F9** Words in Sch. 1 Pt. I para. 8(3) substituted (25.8.2000) by [2000 c. 6, ss. 165\(1\), 168\(1\)](#), [Sch. 9 para. 54\(2\)\(a\)](#)
- F10** Words in Sch. 1 Pt. I para. 8(3) substituted (25.8.2000) by [2000 c. 6, ss. 165\(1\), 168\(1\)](#), [Sch. 9 para. 54\(2\)\(b\)](#)

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Decisions under paragraph 2

- 9 In taking the decisions required by paragraph 2 [^{F11}or 2A] 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.

Textual Amendments

F11 Words in [Sch. 1 Pt. I para. 9](#) inserted (10.4.1995) by [1994 c. 33, s. 26\(b\)](#); [S.I. 1995/721, art. 2](#), Sch.

^{F12}9A

Textual Amendments

F12 [Sch. 1 para. 9A](#) repealed (1.8.2001) by [2000 c. 16, ss. 129\(4\), 137, Sch. 7 Pt. 6](#); [S.I. 2001/2223, art. 3\(i\)\(m\)](#)

[^{F13}Cases under section 128A of Magistrates’ Courts Act 1980

Textual Amendments

F13 [Sch. 1 paras. 9A, 9B](#) inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\), ss. 153, 155\(2\), Sch. 8 para. 16](#)

- 9B Where the court is considering exercising the power conferred by section 128A of the Magistrates’ Courts Act 1980 (power to remand in custody for more than 8 clear days), it shall have regard to the total length of time which the accused would spend in custody if it were to exercise the power.]

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.

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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
 - (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.

[^{F14}PART IIA

DECISIONS WHERE BAIL REFUSED ON PREVIOUS HEARING

Textual Amendments

F14 Sch. 1 Pt. IIA inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 153, 155(2), [Sch. 8 para. 16](#)

- 1 If the court decides not to grant the defendant bail, it is the court's duty to consider, at each subsequent hearing while the defendant is a person to whom section 4 above applies and remains in custody, whether he ought to be granted bail.
- 2 At the first hearing after that at which the court decided not to grant the defendant bail he may support an application for bail with any argument as to fact or law that he desires (whether or not he has advanced that argument previously).
- 3 At subsequent hearings the court need not hear arguments as to fact or law which it has heard previously.]

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 [^{F15}; and so as respects the reference to an offence committed by a person on bail in relation to any period before the coming into force of paragraph 2A of Part 1 of this Schedule.]

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Textual Amendments

F15 Words at the end of Sch. 1 Pt. III para. 2 inserted (10.4.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para.34**; S.I. 1995/721, **art. 2**, Sch. Appendix A

- 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 ^{M1}Children and Young Persons Act 1969.

Marginal Citations

M1 1969 c. 54.

- 4 In this Schedule—
“court”, in the expression “sentence of a court”, includes a service court as defined in section 12(1) of the ^{M2}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 [^{F16}Part II of Schedule 3 to the Powers of Criminal Courts (Sentencing) Act 2000];
“the Services Acts” means the ^{M3}Army Act 1955, the ^{M4}Air Force Act 1955 and the ^{M5}Naval Discipline Act 1957.

Textual Amendments

F16 Sch. 1 Pt. III para. 4: Words in definition of “default” substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 54(3)**

Marginal Citations

M2 1952 c. 67.
M3 1955 c. 18.
M4 1955 c. 19.
M5 1957 c. 53.

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