

*Status: Point in time view as at 28/03/2009.*

*Changes to legislation: Bail Act 1976, Cross Heading: Exceptions to right to bail is up to date with all changes known to be in force on or before 06 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)*

## SCHEDULES

### SCHEDULE 1

#### PERSONS ENTITLED TO BAIL: SUPPLEMENTARY PROVISIONS

##### PART I

#### DEFENDANTS ACCUSED OR CONVICTED OF IMPRISONABLE OFFENCES

##### *Exceptions to right to bail*

- 2 [F1(1)] 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.
- [F2(2)] Where the defendant falls within one or more of paragraphs 2A, 6 and 6B of this Part of this Schedule, this paragraph shall not apply unless—
- (a) where the defendant falls within paragraph 2A, the court is satisfied as mentioned in sub-paragraph (1) of that paragraph;
  - (b) where the defendant falls within paragraph 6, the court is satisfied as mentioned in sub-paragraph (1) of that paragraph;
  - (c) where the defendant falls within paragraph 6B, the court is satisfied as mentioned in paragraph 6A of this Part of this Schedule or paragraph 6A does not apply by virtue of paragraph 6C of this Part of this Schedule.]

##### Textual Amendments

- F1** Sch. 1 Pt.1 para 2 renumbered as Sch. 1 Pt. 1 para. 2(1) (5.4.2004) by virtue of [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 20(1)**, 336(3) (with s. 141); S.I. 2004/829, art. 2(1)(2) (with art. 2(3))
- F2** Sch. 1 Pt.1 para 2(2) inserted (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 20(1)**, 336(3) (with s. 141); S.I. 2004/829, art. 2(1)(2) (with art. 2(3))

- [F3]2A[F4(1)] If the defendant falls within this paragraph he may not be granted bail unless the court is satisfied that there is no significant risk of his committing an offence while on bail (whether subject to conditions or not).
- (2) The defendant falls within this paragraph if—
- (a) he is aged 18 or over, and
  - (b) it appears to the court that he was on bail in criminal proceedings on the date of the offence.]

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#### Textual Amendments

- F3** Sch. 1 Pt. I para. 2A inserted (10.4.1995) by 1994 c. 33, s. 26(a); S.I. 1995/721, art. 2, Sch.  
**F4** Sch. 1 Pt. I para. 2A substituted (1.1.2007 for specified purposes) by Criminal Justice Act 2003 (c. 44), ss. 14(1), 336(3)(4) (with s. 141); S.I. 2006/3217, art. 2(a) (with art. 3(1))

- [<sup>F5</sup>2B The defendant need not be granted bail in connection with extradition proceedings if—
- (a) the conduct constituting the offence would, if carried out by the defendant in England and Wales, constitute an indictable offence or an offence triable either way; and
  - (b) it appears to the court that the defendant was on bail on the date of the offence.]

#### Textual Amendments

- F5** Sch. 1 para. 2B inserted (1.1.2004) by Extradition Act 2003 (c. 41), ss. 198(13), 221; S.I. 2003/3103, art. 2 (with arts. 3, 4) (as amended (18.12.2003) by S.I. 2003/3312, art. 2)

- 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 [<sup>F6</sup>a sentence of a court or a sentence imposed by an officer under the Armed Forces Act 2006.]

#### Textual Amendments

- F6** Words in Sch. 1 Pt. I para. 4 substituted (28.3.2009 for specified purposes) by Armed Forces Act 2006 (c. 52), s. 383(2), Sch. 16 para. 78(a); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

- 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 [<sup>F7</sup>(1) If the defendant falls within this paragraph, he may not be granted bail unless the court is satisfied that there is no significant risk that, if released on bail (whether subject to conditions or not), he would fail to surrender to custody.
- (2) Subject to sub-paragraph (3) below, the defendant falls within this paragraph if—
    - (a) he is aged 18 or over, and
    - (b) it appears to the court that, having been released on bail in or in connection with the proceedings for the offence, he failed to surrender to custody.
  - (3) Where it appears to the court that the defendant had reasonable cause for his failure to surrender to custody, he does not fall within this paragraph unless it also appears to the court that he failed to surrender to custody at the appointed place as soon as reasonably practicable after the appointed time.

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- (4) For the purposes of sub-paragraph (3) above, a failure to give to the defendant a copy of the record of the decision to grant him bail shall not constitute a reasonable cause for his failure to surrender to custody.]

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**Textual Amendments**

- F7** Sch. 1 para. 6(1)-(4) substituted for Sch. 1 para. 6 (1.1.2007 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 15(1)**, 336(3)(4) (with s. 141); [S.I. 2006/3217](#), **art. 2(a)** (with **art. 3(2)**)

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