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**Changes to legislation:** Bail Act 1976, Part II is up to date with all changes known to be in force on or before 07 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) View outstanding changes

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## SCHEDULES

### SCHEDULE 1

#### PERSONS ENTITLED TO BAIL: SUPPLEMENTARY PROVISIONS

##### 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.

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

- 2 The defendant need not be granted bail if—
- [<sup>F1</sup>(za) the defendant—
- (i) is a child or young person, or
  - (ii) has been convicted in the proceedings of an offence;]
- (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.

##### **Textual Amendments**

**F1** Sch. 1 Pt. 2 para. 2(za) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 11 para. 28](#); S.I. 2012/2906, [art. 2\(i\)](#)

- 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>F2</sup>a sentence of a court or a sentence imposed by an officer under the Armed Forces Act 2006.]

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#### Textual Amendments

- F2** Words in Sch. 1 Pt. II para. 4 substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

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

- C1** Sch. 1 Pt. II para. 4 modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), art. 1(3), [Sch. 1 para. 15](#)

- [<sup>F35</sup> The defendant need not be granted bail if—
- [<sup>F4</sup>(za) the defendant—
- (i) is a child or young person, or
- (ii) has been convicted in the proceedings of an offence;]
- (a) 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; and
- (b) 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 fail to surrender to custody, commit an offence on bail or interfere with witnesses or otherwise obstruct the course of justice (whether in relation to himself or any other person).]

#### Textual Amendments

- F3** Sch. 1 Pt.2 para 5 substituted (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 13(4). 336(3) (with s. 141); S.I. 2004/829, art. 2(1)(2) (subject to art. 2(3)-(6))
- F4** Sch. 1 Pt. 2 para. 5(za) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 11 para. 29](#); S.I. 2012/2906, [art. 2\(i\)](#)

- [<sup>F56</sup> (1) The defendant need not be granted bail if—
- (a) having been released on bail in, or in connection with, the proceedings for the offence, the defendant has been arrested in pursuance of section 7, and
- (b) 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 commit an offence while on bail by engaging in conduct that would, or would be likely to, cause—
- (i) physical or mental injury to an associated person, or
- (ii) an associated person to fear physical or mental injury.
- (2) In sub-paragraph (1) “associated person” means a person who is associated with the defendant within the meaning of section 62 of the Family Law Act 1996.]

#### Textual Amendments

- F5** Sch. 1 Pt. 2 para. 6 inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 11 para. 29](#); S.I. 2012/2906, [art. 2\(i\)](#)

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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\(4\)](#)