

Status: Point in time view as at 01/04/2007.

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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

- [^{F1}1] The following provisions of this Part of this Schedule apply to the defendant if—
- (a) the offence or one of the offences of which he is accused or convicted in the proceedings is punishable with imprisonment, or
 - (b) his extradition is sought in respect of an offence.]

Textual Amendments

- F1** Sch. 1 Pt. I para. 1 substituted (1.1.2004) by [Extradition Act 2003 \(c. 41\), ss. 198\(12\), 221](#); S.I. 2003/3103, art. 2 (with arts. 3, 4) (as amended (18.12.2003) by S.I. 2003/3312, art. 2).

Exceptions to right to bail

- 2 [^{F2}(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.
- [^{F3}(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.]

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Textual Amendments

- F2** 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))
- F3** 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))

[^{F4}2^{F5}(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.]

Textual Amendments

- F4** Sch. 1 Pt. I para. 2A inserted (10.4.1995) by [1994 c. 33, s. 26\(a\)](#); S.I. 1995/721, **art. 2**, Sch.
- F5** 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))

[^{F6}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

- F6** 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 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.

6 [^{F7}(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

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- (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.
- (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.]

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)**)

[^{F8}Exception applicable to drug users in certain areas

Textual Amendments

- F8** Sch. 1 paras. 6A-6C and headings inserted (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 19(4)(a), 336(3)(4)** (with s. 141); [S.I. 2004/829](#), **art. 2(1)(2)(b)**

- 6A Subject to paragraph 6C below, a defendant who falls within paragraph 6B below 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).

Exception applicable to drug users in certain areas

- 6B (1) A defendant falls within this paragraph if—
- (a) he is aged 18 or over;
 - (b) a sample taken—
 - (i) under section 63B of the Police and Criminal Evidence Act 1984 (testing for presence of Class A drugs) in connection with the offence; or
 - (ii) under section 161 of the Criminal Justice Act 2003 (drug testing after conviction of an offence but before sentence), has revealed the presence in his body of a specified Class A drug;
 - (c) either the offence is one under section 5(2) or (3) of the Misuse of Drugs Act 1971 and relates to a specified Class A drug, or the court is satisfied that there are substantial grounds for believing—
 - (i) that misuse by him of any specified Class A drug caused or contributed to the offence; or
 - (ii) (even if it did not) that the offence was motivated wholly or partly by his intended misuse of such a drug; and
 - (d) the condition set out in sub-paragraph (2) below is satisfied or (if the court is considering on a second or subsequent occasion whether or not to grant bail) has been, and continues to be, satisfied.

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- (2) The condition referred to is that after the taking and analysis of the sample—
- (a) a relevant assessment has been offered to the defendant but he does not agree to undergo it; or
 - (b) he has undergone a relevant assessment, and relevant follow-up has been proposed to him, but he does not agree to participate in it.
- (3) In this paragraph and paragraph 6C below—
- (a) “Class A drug” and “misuse” have the same meaning as in the Misuse of Drugs Act 1971;
 - (b) “relevant assessment” and “relevant follow-up” have the meaning given by section 3(6E) of this Act;
 - (c) “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.

Modifications etc. (not altering text)

- C1** Sch. 1 para. 6B(2)(b) 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(3), 24(3)** (with s. 17(4)); [S.I. 2005/3053](#), **art. 2(2)(d)**; [S.I. 2007/562](#), **art. 2(2)(d)**

Exception applicable to drug users in certain areas

- 6C Paragraph 6A above does not apply unless—
- (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 [F⁹local justice area] in which it appears to the court that the defendant would reside if granted bail; and
 - (b) the notice has not been withdrawn.]

Textual Amendments

- F9** Words in Sch. 1 para. 6C(a) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), **art. 1, Sch. para. 40**

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 [F¹⁰(4) to (6B) or (7)][F¹¹(except subsection (6)(d) [F¹²or (e)])]of section 3 of this Act unless it appears to the court [F¹³that it is necessary to do so—
- (a) for the purpose of preventing the occurrence of any of the events mentioned in paragraph 2(1) of this Part of this Schedule, or

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(b) for the defendant's own protection or, if he is a child or young person, for his own welfare or in his own interests.]

^{F14}[(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) [^{F15}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 [^{F16}sub-paragraph (1A)] above shall not [^{F17}apply to the conditions required to be imposed under section 3(6A) of this Act or] operate to override the direction in [^{F18}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 [^{F19}the said section 11(3)] in the circumstances so specified.

Textual Amendments

- F10** Words in Sch. 1 para. 8(1) substituted (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\), ss. 19\(4\)\(b\), 336\(3\)\(4\)](#) (with s. 141); S.I. 2004/829, art. 2(1)(2)(b)
- F11** 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](#).
- F12** 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\(2\)\(m\)](#).
- F13** Sch. 1 para. 8(1)(a)(b) substituted for words (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\), ss. 13\(3\), 336\(3\)\(4\)](#) (with s. 141); S.I. 2004/829, art. 2(1)(2)(b)
- F14** 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](#).
- F15** 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](#).
- F16** 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](#).
- F17** Words inserted by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\), s. 34\(4\)](#)
- F18** 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\(2\)\(a\)](#)
- F19** 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\(2\)\(b\)](#)

Decisions under paragraph 2

9 In taking the decisions required by paragraph [^{F20}2(1), or in deciding whether it is satisfied as mentioned in paragraph 2A(1), 6(1) or 6A,] 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,

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- (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

F20 Words in Sch. 1 para. 9 substituted (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\), ss. 20\(2\), 336\(3\)\(4\)](#) (with s. 141); [S.I. 2004/829, art. 2\(1\)\(2\)\(b\)](#) (with art. 2(3))

[^{F21}9A(1)] This paragraph applies if—

- (a) the defendant is under the age of 18, and
- (b) it appears to the court that he was on bail in criminal proceedings on the date of the offence.

- (2) In deciding for the purposes of paragraph 2(1) of this Part of this Schedule whether it 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, the court shall give particular weight to the fact that the defendant was on bail in criminal proceedings on the date of the offence.]

Textual Amendments

F21 [Sch. 1 para. 9AA](#) inserted (1.1.2007 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), ss. 14\(2\), 336\(3\)\(4\)](#) (with s. 141); [S.I. 2006/3217, art. 2\(a\)](#) (with art. 3(1))

[^{F22}9A(1)] Subject to sub-paragraph (2) below, this paragraph applies if—

- (a) the defendant is under the age of 18, 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.

- (2) Where it appears to the court that the defendant had reasonable cause for his failure to surrender to custody, this paragraph does not apply 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.

- (3) In deciding for the purposes of paragraph 2(1) of this Part of this Schedule whether it 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, the court shall give particular weight to—

- (a) where the defendant did not have reasonable cause for his failure to surrender to custody, the fact that he failed to surrender to custody, or
- (b) where he did have reasonable cause for his failure to surrender to custody, the fact that he failed to surrender to custody at the appointed place as soon as reasonably practicable after the appointed time.

- (4) For the purposes of this paragraph, 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

F22 Sch. 1 para. 9AB inserted (1.1.2007 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 15\(2\)](#), [336\(3\)\(4\)](#) (with s. 141); S.I. 2006/3217, [art. 2\(a\)](#) (with [art. 3\(2\)](#))

^{F23}9A

Textual Amendments

F23 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\(i\)\(m\)](#)

^{F24} Cases under section 128A of Magistrates' Courts Act 1980

Textual Amendments

F24 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.

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.

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- [^{F25} The defendant need not be granted bail if—
- (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

F25 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))

[^{F26} **PART IIA**

DECISIONS WHERE BAIL REFUSED ON PREVIOUS HEARING

Textual Amendments

F26 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.

- [^{F272} References in this Schedule to previous grants of bail include—
- (a) bail granted before the coming into force of this Act;
 - (b) as respects the reference in paragraph 2A of Part 1 of this Schedule (as substituted by section 14(1) of the [Criminal Justice Act 2003](#)), bail granted before the coming into force of that paragraph;
 - (c) as respects the references in paragraph 6 of Part 1 of this Schedule (as substituted by section 15(1) of the [Criminal Justice Act 2003](#)), bail granted before the coming into force of that paragraph;

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- (d) as respects the references in paragraph 9AA of Part 1 of this Schedule, bail granted before the coming into force of that paragraph;
- (e) as respects the references in paragraph 9AB of Part 1 of this Schedule, bail granted before the coming into force of that paragraph;
- (f) as respects the reference in paragraph 5 of Part 2 of this Schedule (as substituted by section 13(4) of the Criminal Justice Act 2003), bail granted before the coming into force of that paragraph.]

Textual Amendments

F27 Sch. 1 Pt. III para. 2 substituted (1.1.2007) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3), [Sch. 36 para. 3](#); S.I. 2006/3217, art. 2(b) (with art. 3)

- 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 [^{F28}Part 2 of Schedule 8 to the Criminal Justice Act 2003 (breach of requirement of order)];
 - “the Services Acts” means the ^{M3}Army Act 1955, the ^{M4}Air Force Act 1955 and the ^{M5}Naval Discipline Act 1957.

Textual Amendments

F28 Sch. 1 Pt. 3 para. 4 words substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3), [Sch. 32 para. 23](#); S.I. 2005/950, art. 2(1), Sch. 1 para. 42(12) (with art. 2(2), Sch. 2).

Marginal Citations

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

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SCHEDULE 2

Section 12.

CONSEQUENTIAL AND OTHER AMENDMENTS OF ACTS

Modifications etc. (not altering text)

C2 The text of Schedule 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

^{M6}Habeas Corpus Act 1679

Marginal Citations

M6 1679 c. 2.

1 In section 2 of the Habeas Corpus Act 1679 (bail for persons released from custody under habeas corpus while awaiting trial) for the words from “discharge the said prisoner” to “his or their appearance in” there shall be substituted the words “grant bail in accordance with the Bail Act 1976 to the said prisoner subject to a duty to appear before” and for the words “and the said recognizance or recognizances” there shall be substituted the words “together with the recognizance of any surety for him”.

2 **F29**

Textual Amendments

F29 Sch. 2 para. 2 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1**

^{M7}Criminal Law Amendment Act 1867

Marginal Citations

M7 1867 c. 35.

3 In section 10 of the Criminal Law Amendment Act 1867 (production from prison without habeas corpus where recognizances for appearance have been taken) for the words from the beginning to “such court” there shall be substituted the words “Where a person who has been granted bail in criminal proceedings is, while awaiting for trial for the offence before the Crown Court, in prison”.

4 **F30**

Textual Amendments

F30 Sch. 2 para. 4 repealed by Criminal Law Act 1977 (c. 45), **Sch. 13**

5 **F31**

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Textual Amendments

F31 Sch. 2 para. 5 repealed by Interpretation Act 1978 (c. 30, SIF 115:1), Sch. 3

6 F32

Textual Amendments

F32 Sch. 2 para. 6 repealed by Prosecution of Offences Act 1985 (c. 23, SIF 39:1), s. 31(6), Sch. 2

M8 Criminal Justice Administration Act 1914

Marginal Citations

M8 1914 c. 58.

7 In section 19 of the Criminal Justice Administration Act 1914 (continuous bail otherwise than in proceedings in magistrates' courts), for the words "the recognizance may be conditioned" there shall be substituted the words "the court may, where it remands him on bail in criminal proceedings (within the meaning of the Bail Act 1976) direct him to appear or, in any other case, direct that his recognizance be conditioned".

M9 Indictments Act 1915

Marginal Citations

M9 1915 c. 90

8 In section 5(5)(c) of the Indictment Act 1915 (bail where separate trial or postponed trial ordered) for the words "admitting the accused person to bail" there shall be substituted the words "granting the accused person bail".

M10 Children and Young Persons Act 1933

Marginal Citations

M10 1933 c. 12.

9 In section 13(2) of the Children and Young Persons Act 1933 (police bail for person arrested for serious offence against juvenile) for the words from "on his entering" to the end there shall be substituted the words "on bail in accordance with the Bail Act 1976 subject to a duty to appear at the hearing of the charge".

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M11 Public Order Act 1936

Marginal Citations

M11 1 Edw. 8 & 1 Geo. 6. c. 6.

- 10 In section 1(2) of the Public Order Act 1936 (right to release on bail in certain circumstances of persons charged with wearing uniforms in public) for the words “dischrged from custody on entering into a recognizance” there shall be substituted the words “realesed on bail”.

M12 Criminal Justice Act 1948

Marginal Citations

M12 1948 c. 58.

- 11 (1) Section 37 of the Criminal Justice Act 1948 (powers of High Court to grant bail on appeals against and other proceedings questioning convictions or sentences) shall be amended as follows.
 - (2) In subsection (1), in paragraph (b), for the words “release on bail” there shall be substituted the words “grant bail to”.
 - (3) In subsection (1), for paragraph (d), there shall be substituted the following.
 - “(d) the High Court may grant bail to a person who has been convicted or sentenced by a magistrates’ court and has applied to the High Court for an order of certiorari to remove the proceedings into the High Court or has applied to the High Court for leave to make such an application ;”.
 - (4) After subsection (1) there shall be inserted the following subsection—
 - “(1A) Where the court grants bail to a person under paragraph (d) of subsection (1) above—
 - (a) the time at which he is to appear in the event of the conviction or sentence not being quashed by the High Court shall be such time within ten days after the judgement of the High Court has been given as may be specified by the High Court ; and
 - (b) the place at which he is to appear in that event shall be a magistrates’ court acting for the same petty sessions area as the court which convicted or sentenced him.”
 - (5) In subsection (6), for the words “admitted to” wherever occurring there shall be substituted the words “released on”.

12 F33

Textual Amendments

F33 Sch. 2 para. 12 repealed by Representation of the People Act 1983 (c. 2, SIF 42), Sch. 9 Pt. II

Status: Point in time view as at 01/04/2007.

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13 F34

Textual Amendments

F34 Sch. 2 para. 13 repealed by Animal Health Act 1981 (c. 22, SIF 4:4), Sch. 7

14—29. F35

Textual Amendments

F35 Sch. 2 paras. 14—29 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 9

M13 Administration of Justice Act 1960

Marginal Citations

M13 1960 c. 65.

30 In section 4(2) of the Administration of Justice Act 1960 (power to grant bail in appeals from Divisional Courts), after the words “in relation to” there shall be inserted the words “the time and the place of appearance appointed and” and, after the words “entered into”, there shall be inserted the words “by any surety”.

31 In section 6(1) of the Administration of Justice Act 1960 (computation of sentence where bail granted in appeals to House of Lords) for the words “admitted to” there shall be substituted the words “granted” and for the words “at large after being so admitted” there shall be substituted the words “released on bail”.

32 F36

Textual Amendments

F36 Sch. 2 para. 32 repealed by Supreme Court Act 1981 (c. 54, SIF 37), Sch. 7

M14 Backing of Warrants (Republic of Ireland) Act 1965

Marginal Citations

M14 1965 c. 45.

F37 33

Textual Amendments

F37 Sch. 2 para. 33 repealed (1.1.2004) by Extradition Act 2003 (c. 41), s. 221, Sch. 4; S.I. 2003/3103, art. 2 (with arts. 3-5) (as amended (11.12.2003) by S.I. 2003/3258, art. 2 and (18.12.2003) by S.I. 2003/3312, art. 2)

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M15 Criminal Justice Act 1967

Marginal Citations

M15 1967 c. 80.

34 Section 18 of the Criminal Justice Act 1967 (restrictions on refusal of bail by magistrates' courts in criminal proceedings) shall be omitted.

35 **F38**

Textual Amendments

F38 Sch. 2 para. 35 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 9**

36 Section 21 of the Criminal Justice Act 1967 (power to impose special conditions of bail) shall be omitted.

37 (1) Section 22 of the Criminal Justice Act 1967 (extension of power of High Court to grant, or vary conditions of, bail) shall be amended as follows.

(2) For subsections (1) and (2) there shall be substituted the following—

“(1) Where an inferior court withholds bail in criminal proceedings or imposes conditions in granting bail in criminal proceedings, the High Court may grant bail or vary the conditions.

(2) Where the High Court grants a person bail under this section it may direct him to appear at a time and place which the inferior court may have directed and the recognizance of any surety shall be conditioned accordingly.”

(3) In subsection (3) for the words “admitted to” wherever occurring there shall be substituted the word “granted”.

(4) At the end of subsection (4) there shall be added the words “and “bail in criminal proceedings” and “vary” have the same meaning as they have in the Bail Act 1976.”

M16 Criminal Appeal Act 1968

Marginal Citations

M16 1968 c. 19.

38 In section 8(2) and (3) of the Criminal Appeal Act 1968 (bail etc on retrial), in paragraph (a), for the words “admission to” there shall be substituted the words “released on”.

F3939

Textual Amendments

F39 Sch. 2 para. 39 repealed (1.1.1992) by Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c. 25, SIF 39:1), s. 8(3), **Sch. 4**; S.I. 1991/2488, **art.2**

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40—42. F40

Textual Amendments

F40 Sch. 2 paras. 40–42 repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), Sch. 16

- 43 In section 36 of the Criminal Appeal Act 1968 (bail on appeal from Court of Appeal) for the words “admit him to” there shall be substituted the words “grant him”.
- 44 In section 43(1) of the Criminal Appeal Act 1968 (computation of sentence where bail granted on appeal to House of Lords) for the words “admitted to” there shall be substituted the word “granted” and for the words “at large after being so admitted” there shall be substituted the words “released on bail”.
- 45 In Schedule 2 to the Criminal Appeal Act 1968 (provisions about retrial) in paragraph 2(3)(b) for the words “at large after being admitted to bail” there shall be substituted the words “released on bail”.

M17 Courts-Martial (Appeals) Act 1968

Marginal Citations

M17 1968 c. 20.

- 46 In section 45(2) of the Courts-Martial (Appeals) Act 1968 (computation of sentence where bail granted on appeal to House of Lords) for the words “admitted to” there shall be substituted the word “granted” and for the words “at large after being so admitted” there shall be substituted the words “released on bail”.

M18 Children and Young Persons Act 1969

Marginal Citations

M18 1969 c. 54.

- 47 In section 29 of the Children and Young Persons Act 1969 (release or further detention of arrested child or young person), for subsection (2), there shall be substituted the following—
- “(2) Where a parent or guardian enters into a recognizance to secure that the child or young person appears at the hearing of the charge, the recognizance may, if the said officer thinks fit, be conditioned for the attendance of the parent or guardian at the hearing in addition to the person arrested.” and subsection (6) shall be omitted.

48 F41

Textual Amendments

F41 Sch. 2 para. 48 repealed by Supreme Court Act 1981 (c. 54, SIF 37), Sch. 7

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SCHEDULE 3

Section 12.

REPEALS

Modifications etc. (not altering text)

- C3** The text of Schedule 3 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.

Chapter	Short Title	Extent of Repeal
31 Chas. 2. c. 2.	The Habeas Corpus Act 1679	In section 5, the words “by recognizance”.
32 Geo. 3. c. 56.	The Servants’ Characters Act 1792	In section 6, the words “and enter into recognizance”.
2 & 3 Vict. c. 47.	The Metropolitan Police Act 1839	In section 69, the words from “to take bail” to the end.
2 & 3 Vict. c. 71.	The Metropolitan Police Courts Act 1839	Section 36.
52 & 53 Vict. c. 63.	The Interpretation Act 1889.	In section 27, the words from “and shall include” to the end.
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	In section 37, subsections (2) and (3) and, in subsection (4), paragraph (a).
15 & 16 Geo 6. & 1 Eliz. 2. c. 55.	The Magistrates’ Courts Act 1952.	In section 16(2), the words “to enter into a recognizance or”. In section 26, subsection (4). Section 38(3). Section 97.
8 & 9 Eliz. 2. c. 65.	The Administration of Justice Act 1960.	In section 4(3), the words “the applicant or”.
1965 c. 45.	The Backing of Warrants (Republic of Ireland) Act 1965.	In section 5(4) the words “in breach of a recognizance taken from him under this section” and “without prejudice to the enforcement of the recognizance”.
1967 c. 80.	The Criminal Justice Act 1967.	Sections 18 and 21. In section 22(3), the reference to subsection (3) of section 37 of the Criminal Justice Act 1948.

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		Section 23.
1969 c. 54.	The Children and Young Persons Act 1969.	In section 29, subsection (6).
1971 c. 23.	The Courts Act 1971.	In section 13, subsection (3).
1972 c. 71.	The Criminal Justice Act 1972.	Section 43.

SCHEDULE 4

Section 12.

TRANSITIONAL PROVISIONS

- 1 (1) Without prejudice to section 38(2) of the ^{M19}Interpretation Act 1889 (effect of repeals), nothing in the amendments or repeals effected by section 12 of and Schedules 2 and 3 to this Act shall affect the application of the enactments amended or repealed thereby in relation to recognizances entered into or security given by persons granted bail before the appointed day and the recognizances of any sureties for them.
- (2) Nothing in those amendments or repeals shall, in particular, affect the doing of any of the following things after the appointed day, that is to say—
- the enforcement of the recognizance of such a person in the event of a breach of recognizance after the appointed day;
 - the exercise of any power to issue and the execution of a warrant for the arrest of such a person for breach of his recognizance after the appointed day;
 - the exercise of any power to enlarge the recognizance of such a person and of any surety for him to a later time in the absence of that person and his surety (if any);
 - the exercise of any power to vary any conditions on which a person was granted bail before the appointed day or to reduce the amount in which he or any surety is to be bound or to discharge or dispense with any of the sureties;
- and no application shall be made under section 3(8) of this Act for the variation of conditions of bail so granted or for the imposition of conditions in respect of bail so granted.

Marginal Citations

M19 1889 c. 63.

- 2 Where, before the appointed day, a court has—
- given a direction that the recognizance of a person to whom it has granted bail may be entered into before another court or any person, or
 - endorsed a warrant for the arrest of a person with a direction that he be released on his entering into such a recognizance as is specified in the endorsement,
- the recognizance may be entered into and taken after the appointed day in accordance with the direction and paragraph 1 above shall apply to such a recognizance as it applies to a recognizance entered into before the appointed day.

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- 3 Where a person has been granted bail before the appointed day and his recognizance (and that of any surety for him) is conditioned for his appearance before a court from time to time, then, on his first appearance before a court after the appointed day—
- (a) the recognizance of that person shall be discharged; and
 - (b) the recognizance of any surety for him shall, as directed by the court, either be discharged or continue in force.
- 4 In this Schedule “the appointed day” means the day appointed under section 13(2) of this Act for it to come into force.

Status:

Point in time view as at 01/04/2007.

Changes to legislation:

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