



Bail Act 1976

1976 CHAPTER 63

Bail for accused persons and others

4 General right to bail of accused persons and others.

- (1) A person to whom this section applies shall be granted bail except as provided in Schedule 1 to this Act.
- (2) This section applies to a person who is accused of an offence when—
 - (a) he appears or is brought before a magistrates' court or the Crown Court in the course of or in connection with proceedings for the offence, or
 - (b) he applies to a court for bail [^{F1}or for a variation of the conditions of bail] in connection with the proceedings.

This subsection does not apply as respects proceedings on or after a person's conviction of the offence ^{F2}....

- [^{F3}(2A) This section also applies to a person whose extradition is sought in respect of an offence, when—
- (a) he appears or is brought before a court in the course of or in connection with extradition proceedings in respect of the offence, or
 - (b) he applies to a court for bail or for a variation of the conditions of bail in connection with the proceedings.

- (2B) But subsection (2A) above does not apply if the person is alleged [^{F4}to have been convicted] of the offence.]

- (3) This section also applies to a person who, having been convicted of an offence, appears or is brought before a magistrates' court [^{F5}or the Crown Court ^{F6}... under—
 - [^{F7}(za) [^{F8}Schedule 4 to the Sentencing Code] (referral orders: referral back to appropriate court),
 - (zb) [^{F9}Schedule 5 to that Code] (breach of reparation order),]
 - [^{F10}(a) [^{F11}Schedule 7 to that Code] (breach, revocation or amendment of youth rehabilitation orders), ^{F12}...]

Changes to legislation: Bail Act 1976, Section 4 is up to date with all changes known to be in force on or before 17 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) View outstanding changes

- (b) Part 2 of [^{F13}Schedule 10 to that Code] (breach of requirement of community order)] [^{F14}, or
- (c) the Schedule to the Street Offences Act 1959 (breach of orders under section 1(2A) of that Act)].
- (4) This section also applies to a person who has been convicted of an offence and whose case is adjourned by the court for the purpose of enabling inquiries or a report to be made to assist the court in dealing with him for the offence.
- (5) Schedule 1 to this Act also has effect as respects conditions of bail for a person to whom this section applies.
- (6) In Schedule 1 to this Act “the defendant” means a person to whom this section applies and any reference to a defendant whose case is adjourned for inquiries or a report is a reference to a person to whom this section applies by virtue of subsection (4) above.
- (7) This section is subject to [^{F15}section 41 of the Magistrates’ Courts Act 1980] (restriction of bail by magistrates’ court in cases of treason) [^{F16}and section 115(1) of the Coroners and Justice Act 2009 (bail decisions in murder cases to be made by Crown Court judge)].
- [^{F17}(8) This section is subject to section 25 of the Criminal Justice and Public Order Act 1994 (exclusion of bail in cases of homicide and rape).]
- [^{F18}(9) In taking any decisions required by Part I or II of Schedule 1 to this Act, the considerations to which the court is to have regard include, so far as relevant, any misuse of controlled drugs by the defendant (“controlled drugs” and “misuse” having the same meanings as in the ^{M1}Misuse of Drugs Act 1971).]

Textual Amendments

- F1** Words in s. 4(2)(b) inserted (10.4.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 33**; S.I. 1995/721, art. 2, **Sch. Appendix A**
- F2** Words in s. 4(2) repealed (1.1.2004) by Extradition Act 2003 (c. 41), ss. 198(4), 221, **Sch. 4**; S.I. 2003/3103, art. 2 (with arts. 3, 4) (as amended (18.12.2003) by S.I. 2003/3312, art. 2)
- F3** S. 4(2A)(2B) inserted (1.1.2004) by Extradition Act 2003 (c. 41), ss. 198(5), 221; S.I. 2003/3103, art. 2 (with arts. 3, 4) (as amended (18.12.2003) by S.I. 2003/3312, art. 2)
- F4** Words in s. 4(2B) substituted (15.1.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 13 para. 34**; S.I. 2006/3364, art. 2(e)
- F5** Words in s. 4(3) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 22**; S.I. 2005/950, art. 2(1), **Sch. 1 para. 42(12)** (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F6** Words in s. 4(3) repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 23(a)**, **Sch. 28 Pt. 1** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)(u)
- F7** S. 4(3)(za)(zb) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 102** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(xv)
- F8** Words in s. 4(3)(za) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 36(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F9** Words in s. 4(3)(zb) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 36(b)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F10** S. 4(3)(a) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 23(b)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)

Changes to legislation: *Bail Act 1976, Section 4 is up to date with all changes known to be in force on or before 17 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) View outstanding changes*

- F11** Words in s. 4(3)(a) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 36(c)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F12** Word in s. 4(3)(a) repealed (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), Sch. 7 para. 19, **Sch. 8 Pt. 2**; S.I. 2010/507, art. 5(v)(x)
- F13** Words in s. 4(3)(b) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 36(d)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F14** S. 4(3)(c) and word inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 19**; S.I. 2010/507, art. 5(v)
- F15** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 7 para. 145**
- F16** Words in s. 4(7) added (1.2.2010) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 21 para. 74(a)** (with s. 180); S.I. 2010/145, art. 2(2), Sch. para. 25(b)
- F17** S. 4(8) inserted (10.4.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 32**; S.I. 1995/721, art. 2, **Sch. Appendix A**
- F18** S. 4(9) inserted (2.7.2001) by 2000 c. 43, **s. 58**; S.I. 2001/2232, **art. 2(g)**

Modifications etc. (not altering text)

- C1** S. 4 applied (with modifications) (4.4.2005) by Criminal Justice Act 2003 (c. 44), **ss. 90(4), 336(3)(4)**; S.I. 2005/950, art. 2(1), **Sch. 1 para. 5** (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

Marginal Citations

- M1** 1971 c. 38.

Changes to legislation:

Bail Act 1976, Section 4 is up to date with all changes known to be in force on or before 17 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.

[View outstanding changes](#)

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\(4\)](#)