



# Bail Act 1976

## 1976 CHAPTER 63

### *Supplementary*

#### **7 Liability to arrest for absconding or breaking conditions of bail.**

- (1) If a person who has been released on bail in criminal proceedings and is under a duty to surrender into the custody of a court fails to surrender to custody at the time appointed for him to do so the court may issue a warrant for his arrest.

[<sup>F1</sup>(1A) Subsection (1B) applies if—

- (a) a person has been released on bail in connection with extradition proceedings,
- (b) the person is under a duty to surrender into the custody of a constable, and
- (c) the person fails to surrender to custody at the time appointed for him to do so.

(1B) A magistrates' court may issue a warrant for the person's arrest.]

- (2) If a person who has been released on bail in criminal proceedings absents himself from the court at any time after he has surrendered into the custody of the court and before the court is ready to begin or to resume the hearing of the proceedings, the court may issue a warrant for his arrest; but no warrant shall be issued under this subsection where that person is absent in accordance with leave given to him by or on behalf of the court.
- (3) A person who has been released on bail in criminal proceedings and is under a duty to surrender into the custody of a court may be arrested without warrant by a constable—
- (a) if the constable has reasonable grounds for believing that that person is not likely to surrender to custody;
  - (b) if the constable has reasonable grounds for believing that that person is likely to break any of the conditions of his bail or has reasonable grounds for suspecting that that person has broken any of those conditions; or
  - (c) in a case where that person was released on bail with one or more surety or sureties, if a surety notifies a constable in writing that that person is unlikely to surrender to custody and that for that reason the surety wishes to be relieved of his obligations as a surety.

---

**Changes to legislation:** Bail Act 1976, Section 7 is up to date with all changes known to be in force on or before 20 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

---

- (4) a person arrested in pursuance of subsection (3) above—
- (a) shall, except where he was arrested within 24 hours of the time appointed for him to surrender to custody, be brought as soon as practicable and in any event within 24 hours after his arrest before a justice of the peace<sup>F2</sup>...; and
  - (b) in the said excepted case shall be brought before the court at which he was to have surrendered to custody.
- <sup>F3</sup>....
- [<sup>F4</sup>(4A) A person who has been released on bail in connection with extradition proceedings and is under a duty to surrender into the custody of a constable may be arrested without warrant by a constable on any of the grounds set out in paragraphs (a) to (c) of subsection (3).
- (4B) A person arrested in pursuance of subsection (4A) above shall be brought as soon as practicable and in any event within 24 hours after his arrest before a justice of the peace for the petty sessions area in which he was arrested.]
- (5) A justice of the peace before whom a person is brought under subsection (4) [<sup>F5</sup> or (4B)] above may, subject to [<sup>F6</sup>subsections (5A) and (6)] below, if of the opinion that that person—
- (a) is not likely to surrender to custody, or
  - (b) has broken or is likely to break any condition of his bail,
- remand him in custody or commit him to custody, as the case may require, or alternatively, grant him bail subject to the same or to different conditions, but if not of that opinion shall grant him bail subject to the same conditions (if any) as were originally imposed.
- [<sup>F7</sup>(5A) A justice of the peace may not remand a person in, or commit a person to, custody under subsection (5) if—
- (a) the person has attained the age of eighteen,
  - (b) the person was released on bail in non-extradition proceedings,
  - (c) the person has not been convicted of an offence in those proceedings, and
  - (d) it appears to the justice of the peace that there is no real prospect that the person will be sentenced to a custodial sentence in the proceedings.]

(6) Where [<sup>F8</sup>a person brought before a justice under subsection (4) or (4B)] is a child or young person and the justice does not grant him bail, subsection (5) above shall have effect subject to the provisions of [<sup>F9</sup>section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands of children otherwise than on bail)].

[<sup>F10</sup>(7) In reckoning for the purposes of this section any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.]

[<sup>F11</sup>(8) In the case of a person charged with murder or with murder and one or more other offences—

    - (a) subsections (4) and (5) have effect as if for “justice of the peace” there were substituted “judge of the Crown Court”,
    - (b) subsection (6) has effect as if for “justice” (in both places) there were substituted “judge”, and
    - (c) subsection (7) has effect, for the purposes of subsection (4), as if at the end there were added “, Saturday or bank holiday.”]

---

**Changes to legislation:** Bail Act 1976, Section 7 is up to date with all changes known to be in force on or before 20 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

---

### Textual Amendments

- F1** S. 7(1A)(1B) inserted (1.1.2004) by Extradition Act 2003 (c. 41), **ss. 198(7)**, 221; S.I. 2003/3103, art. 2 (with arts. 3, 4) (as amended (18.12.2003) by S.I. 2003/3312, art. 2)
- F2** Words in s. 7(4)(a) repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 185, **Sch. 10**; S.I. 2005/910, art. 3(y)
- F3** Words in s. 7(4) repealed (1.1.2004) by Extradition Act 2003 (c. 41), **ss. 198(8)**, 221; S.I. 2003/3103, art. 2 (with arts. 3, 4) (as amended (18.12.2003) by S.I. 2003/3312, art. 2)
- F4** S. 7(4A)(4B) inserted (1.1.2004) by Extradition Act 2003 (c. 41), **ss. 198(9)**, 221; S.I. 2003/3103, art. 2 (with arts. 3, 4) (as amended (18.12.2003) by S.I. 2003/3312, art. 2)
- F5** Words in s. 7(5) inserted (1.1.2004) by Extradition Act 2003 (c. 41), **ss. 198(10)**, 221; S.I. 2003/3103, art. 2 (with arts. 3, 4) (as amended (18.12.2003) by S.I. 2003/3312, art. 2)
- F6** Words in s. 7(5) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 11 para. 8(2)**; S.I. 2012/2906, art. 2(i)
- F7** S. 7(5A) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 11 para. 8(3)**; S.I. 2012/2906, art. 2(i)
- F8** Words in s. 7(6) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 11 para. 8(4)**; S.I. 2012/2906, art. 2(i)
- F9** Words in s. 7(6) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 16**; S.I. 2012/2906, art. 2(j)
- F10** S. 7(7) inserted (1.1.2004) by Extradition Act 2003 (c. 41), **ss. 198(11)**, 221; S.I. 2003/3103, art. 2 (with arts. 3, 4) (as amended (18.12.2003) by S.I. 2003/3312, art. 2)
- F11** S. 7(8) added (1.2.2010) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 21 para. 74(b)** (with s. 180); S.I. 2010/145, art. 2(2), Sch. para. 25(b)

**Changes to legislation:**

Bail Act 1976, Section 7 is up to date with all changes known to be in force on or before 20 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\(4\)](#)