



Criminal Justice and Police Act 2001

2001 CHAPTER 16

PART 6

MISCELLANEOUS AND SUPPLEMENTAL

Remands and committals

129 Requirement to give reasons for granting or continuing bail

- (1) After section 5(2) of the Bail Act 1976 (c. 63) (supplementary provisions about decisions on bail) there shall be inserted—

“(2A) Where a magistrates’ court or the Crown Court grants bail in criminal proceedings to a person to whom section 4 of this Act applies after hearing representations from the prosecutor in favour of withholding bail, then the court shall give reasons for granting bail.

(2B) A court which is by virtue of subsection (2A) above required to give reasons for its decision shall include a note of those reasons in the record of its decision and, if requested to do so by the prosecutor, shall cause the prosecutor to be given a copy of the record of the decision as soon as practicable after the record is made.”

- (2) After section 5A(1) of that Act (supplementary provisions in cases of police bail) there shall be inserted—

“(1A) Subsections (2A) and (2B) shall be omitted.”

- (3) After section 5B(8) of that Act (reconsideration of decisions granting bail) there shall be inserted—

“(8A) Where the court, on a reconsideration under this section, refuses to withhold bail from a relevant person after hearing representations from the prosecutor in favour of withholding bail, then the court shall give reasons for refusing to withhold bail.

Status: Point in time view as at 01/12/2020.

Changes to legislation: Criminal Justice and Police Act 2001, Cross Heading: Remands and committals is up to date with all changes known to be in force on or before 30 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)

(8B) In subsection (8A) above, “relevant person” means a person to whom section 4(1) (and Schedule 1) of this Act is applicable in accordance with subsection (4) above.

(8C) A court which is by virtue of subsection (8A) above required to give reasons for its decision shall include a note of those reasons in any record of its decision and, if requested to do so by the prosecutor, shall cause the prosecutor to be given a copy of any such record as soon as practicable after the record is made.”

(4) In Part 1 of Schedule 1 to that Act, paragraph 9A (court to give reasons for granting bail in certain homicide and rape cases) shall be omitted.

F1 130 Remands and committals to secure accommodation etc

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Textual Amendments
F1 S. 130 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 12 para. 47](#); S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

131 Monitoring of compliance with bail conditions

(1) In section 3 of the Bail Act 1976 (c. 63) (general provisions), after subsection (6) there shall be inserted—

“(6ZAA) Subject to section 3AA below, if he is a child or young person he may be required to comply with requirements imposed for the purpose of securing the electronic monitoring of his compliance with any other requirement imposed on him as a condition of bail.”

(2) After that section there shall be inserted—

“3AA Electronic monitoring of compliance with bail conditions

(1) A court shall not impose on a child or young person a requirement under section 3(6ZAA) above (an “electronic monitoring requirement”) unless each of the following conditions is satisfied.

(2) The first condition is that the child or young person has attained the age of twelve years.

(3) The second condition is that—

(a) the child or young person is charged with or has been convicted of a violent or sexual offence, or an offence punishable in the case of an adult with imprisonment for a term of fourteen years or more; or

(b) he is charged with or has been convicted of one or more imprisonable offences which, together with any other imprisonable offences of which he has been convicted in any proceedings—

(i) amount, or

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- (ii) would, if he were convicted of the offences with which he is charged, amount, to a recent history of repeatedly committing imprisonable offences while remanded on bail or to local authority accommodation.
- (4) The third condition is that the court—
 - (a) has been notified by the Secretary of State that electronic monitoring arrangements are available in each petty sessions area which is a relevant area; and
 - (b) is satisfied that the necessary provision can be made under those arrangements.
- (5) The fourth condition is that a youth offending team has informed the court that in its opinion the imposition of such a requirement will be suitable in the case of the child or young person.
- (6) Where a court imposes an electronic monitoring requirement, the requirement shall include provision for making a person responsible for the monitoring; and a person who is made so responsible shall be of a description specified in an order made by the Secretary of State.
- (7) The Secretary of State may make rules for regulating—
 - (a) the electronic monitoring of compliance with requirements imposed on a child or young person as a condition of bail; and
 - (b) without prejudice to the generality of paragraph (a) above, the functions of persons made responsible for securing the electronic monitoring of compliance with such requirements.
- (8) Rules under this section may make different provision for different cases.
- (9) Any power of the Secretary of State to make an order or rules under this section shall be exercisable by statutory instrument.
- (10) A statutory instrument containing rules made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) In this section “local authority accommodation” has the same meaning as in the Children and Young Persons Act 1969 (c. 54).
- (12) For the purposes of this section a petty sessions area is a relevant area in relation to a proposed electronic monitoring requirement if the court considers that it will not be practicable to secure the electronic monitoring in question unless electronic monitoring arrangements are available in that area.”
- (3) In subsection (7) of that section (cases where parent or guardian may be required to secure compliance with requirements), after “(6)” there shall be inserted “, (6ZAA) ”.
- (4) In section 3A(3) of that Act (which modifies section 3 of that Act in its application to bail granted by a custody officer), after “subsections” there shall be inserted “ (6ZAA), ”.

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Textual Amendments

F2 S. 132 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), **Sch. 12 para. 47**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

^{F3}133 Arrangements for detention in secure training centres

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Textual Amendments

F3 S. 133 repealed (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

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