

## SCHEDULES

### SCHEDULE 12

Section 52

#### BAIL FOR SUMMARY OFFENCES AND CERTAIN OTHER OFFENCES TO BE TRIED SUMMARILY

- 1 The Bail Act 1976 (c. 63) is amended as follows.
- 2 In section 3(6D)(a) (condition to be imposed on person in relation to whom paragraph 6B(1)(a) to (c) of Part 1 of Schedule 1 to that Act apply), after “apply” insert “(including where P is a person to whom the provisions of Part 1A of Schedule 1 apply)”.
- 3 After section 9 (offence of agreeing to indemnify sureties in criminal proceedings) insert—

#### **“9A Bail decisions relating to persons aged under 18 who are accused of offences mentioned in Schedule 2 to the Magistrates' Courts Act 1980**

- (1) This section applies whenever—
  - (a) a magistrates' court is considering whether to withhold or grant bail in relation to a person aged under 18 who is accused of a scheduled offence; and
  - (b) the trial of that offence has not begun.
- (2) The court shall, before deciding whether to withhold or grant bail, consider whether, having regard to any representations made by the prosecutor or the accused person, the value involved does not exceed the relevant sum for the purposes of section 22.
- (3) The duty in subsection (2) does not apply in relation to an offence if—
  - (a) a determination under subsection (4) has already been made in relation to that offence; or
  - (b) the accused person is, in relation to any other offence of which he is accused which is not a scheduled offence, a person to whom Part 1 of Schedule 1 to this Act applies.
- (4) If where the duty in subsection (2) applies it appears to the court clear that, for the offence in question, the amount involved does not exceed the relevant sum, the court shall make a determination to that effect.
- (5) In this section—
  - (a) “relevant sum” has the same meaning as in section 22(1) of the Magistrates' Courts Act 1980 (certain either way offences to be tried summarily if value involved is less than the relevant sum);
  - (b) “scheduled offence” means an offence mentioned in Schedule 2 to that Act (offences for which the value involved is relevant to the mode of trial); and

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- (c) “the value involved” is to be construed in accordance with section 22(10) to (12) of that Act.”
- 4        Schedule 1 (persons entitled to bail: supplementary provisions) is amended as follows.
- 5        (1) Paragraph 1 (defendants to whom Part 1 applies) becomes sub-paragraph (1) of that paragraph.
- (2) In that sub-paragraph at the beginning insert “Subject to sub-paragraph (2),”.
- (3) After that sub-paragraph insert—
- “(2) But those provisions do not apply by virtue of sub-paragraph (1)(a) if the offence, or each of the offences punishable with imprisonment, is—
- (a) a summary offence; or
- (b) an offence mentioned in Schedule 2 to the Magistrates' Courts Act 1980 (offences for which the value involved is relevant to the mode of trial) in relation to which—
- (i) a determination has been made under section 22(2) of that Act (certain either way offences to be tried summarily if value involved is less than the relevant sum) that it is clear that the value does not exceed the relevant sum for the purposes of that section; or
- (ii) a determination has been made under section 9A(4) of this Act to the same effect.”
- 6        After Part 1 insert—

### “PART 1A

#### DEFENDANTS ACCUSED OR CONVICTED OF IMPRISONABLE OFFENCES TO WHICH PART 1 DOES NOT APPLY

#### **Defendants to whom Part 1A applies**

- 1        The following provisions of this Part apply to the defendant if—
- (a) the offence or one of the offences of which he is accused or convicted is punishable with imprisonment, but
- (b) Part 1 does not apply to him by virtue of paragraph 1(2) of that Part.

#### **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—

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- (a) it appears to the court that the defendant was on bail in criminal proceedings on the date of the offence; 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.
- 4 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 commit an offence while on bail by engaging in conduct that would, or would be likely to, cause—
  - (a) physical or mental injury to any person other than the defendant; or
  - (b) any person other than the defendant to fear physical or mental injury.
- 5 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.
- 6 The defendant need not be granted bail if he is in custody in pursuance of a sentence of a court or a sentence imposed by an officer under the Armed Forces Act 2006.
- 7 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 while on bail or interfere with witnesses or otherwise obstruct the course of justice (whether in relation to himself or any other person).
- 8 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.

#### **Application of paragraphs 6A to 6C of Part 1**

- 9 Paragraphs 6A to 6C of Part 1 (exception applicable to drug users in certain areas and related provisions) apply to a defendant to whom this Part applies as they apply to a defendant to whom that Part applies.”