

Changes to legislation: Bail Act 1976, SCHEDULE 2 is up to date with all changes known to be in force on or before 18 April 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

SCHEDULES

SCHEDULE 2

Section 12.

CONSEQUENTIAL AND OTHER AMENDMENTS OF ACTS

Modifications etc. (not altering text)

- C1** The text of Schedule 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

M¹Habeas Corpus Act 1679

Marginal Citations

- M1** 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 **F1**

Textual Amendments

- F1** Sch. 2 para. 2 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1

M²Criminal Law Amendment Act 1867

Marginal Citations

- M2** 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 **F2**

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Textual Amendments
F2 Sch. 2 para. 4 repealed by Criminal Law Act 1977 (c. 45), Sch. 13

5 F3

Textual Amendments
F3 Sch. 2 para. 5 repealed by Interpretation Act 1978 (c. 30, SIF 115:1), Sch. 3

6 F4

Textual Amendments
F4 Sch. 2 para. 6 repealed by Prosecution of Offences Act 1985 (c. 23, SIF 39:1), s. 31(6), Sch. 2

M3 Criminal Justice Administration Act 1914

Marginal Citations
M3 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”.

M4 Indictments Act 1915

Marginal Citations
M4 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”.

M5 Children and Young Persons Act 1933

Marginal Citations
M5 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”

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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”.

M6 Public Order Act 1936

Marginal Citations

M6 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 “discharged from custody on entering into a recognizance” there shall be substituted the words “released on bail”.

M7 Criminal Justice Act 1948

Marginal Citations

M7 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”.

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Textual Amendments

F5 Sch. 2 para. 12 repealed by Representation of the People Act 1983 (c. 2, SIF 42), **Sch. 9 Pt. II**

13 **F6**

Textual Amendments

F6 Sch. 2 para. 13 repealed by Animal Health Act 1981 (c. 22, SIF 4:4), **Sch. 7**

14—29. **F7**

Textual Amendments

F7 Sch. 2 paras. 14–29 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 9**

^{M8}Administration of Justice Act 1960

Marginal Citations

M8 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 **F8**

Textual Amendments

F8 Sch. 2 para. 32 repealed by Supreme Court Act 1981 (c. 54, SIF 37), **Sch. 7**

^{M9}Backing of Warrants (Republic of Ireland) Act 1965

Marginal Citations

M9 1965 c. 45.

^{F9}33

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Textual Amendments

- F9** 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)

M10 Criminal Justice Act 1967

Marginal Citations

- M10** 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 **F10**

Textual Amendments

- F10** 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.”

M11 Criminal Appeal Act 1968

Marginal Citations

- M11** 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”.

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F11 39

Textual Amendments
F11 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

40—42. F12

Textual Amendments
F12 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”.

M12 Courts-Martial (Appeals) Act 1968

Marginal Citations
M12 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”.

M13 Children and Young Persons Act 1969

Marginal Citations
M13 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.

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48

F13

Textual Amendments

F13 Sch. 2 para. 48 repealed by Supreme Court Act 1981 (c. 54, SIF 37), **Sch. 7**

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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\(4\)](#)