



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART II

BAIL

25 No bail for defendants charged with or convicted of homicide or rape after previous conviction of such offences.

- (1) A person who in any proceedings has been charged with or convicted of an offence to which this section applies in circumstances to which it applies [^{F1}shall be granted bail in those proceedings only if the court or, as the case may be, the constable considering the grant of bail [^{F2}is of the opinion] that there are exceptional circumstances which justify it].
- (2) This section applies, subject to [^{F3}subsection (3A)] below, to the following offences, that is to say—
 - (a) murder;
 - (b) attempted murder;
 - (c) manslaughter;
 - [^{F4}(d) rape under the law of Scotland ^{F5} ...;
 - (e) an offence under section 1 of the Sexual Offences Act 1956 (rape);
 - (f) an offence under section 1 of the Sexual Offences Act 2003 (rape);
 - (g) an offence under section 2 of that Act (assault by penetration);
 - (h) an offence under section 4 of that Act (causing a person to engage in sexual activity without consent), where the activity caused involved penetration within subsection (4)(a) to (d) of that section;
 - (i) an offence under section 5 of that Act (rape of a child under 13);
 - (j) an offence under section 6 of that Act (assault of a child under 13 by penetration);

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- (k) an offence under section 8 of that Act (causing or inciting a child under 13 to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused;
- (l) an offence under section 30 of that Act (sexual activity with a person with a mental disorder impeding choice), where the touching involved penetration within subsection (3)(a) to (d) of that section;
- (m) an offence under section 31 of that Act (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused;
- [^{F6}(ma) an offence under Article 5 of the Sexual Offences (Northern Ireland) Order 2008 (rape);
- (mb) an offence under Article 6 of that Order (assault by penetration);
- (mc) an offence under Article 8 of that Order (causing a person to engage in sexual activity without consent) where the activity caused involved penetration within paragraph (4)(a) to (d) of that Article;
- (md) an offence under Article 12 of that Order (rape of a child under 13);
- (me) an offence under Article 13 of that Order (assault of a child under 13 by penetration);
- (mf) an offence under Article 15 of that Order (causing or inciting a child under 13 to engage in sexual activity) where an activity involving penetration within paragraph (2)(a) to (d) of that Article was caused;
- (mg) an offence under Article 43 of that Order (sexual activity with a person with a mental disorder impeding choice) where the touching involved penetration within paragraph (3)(a) to (d) of that Article;
- (mh) an offence under Article 44 of that Order (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity) where an activity involving penetration within paragraph (3)(a) to (d) of that Article was caused;]
- (n) an attempt to commit an offence within any of paragraphs (d) to [^{F7}(mh)].]

^{F8}[^{F9}(3)

(3A) This section applies where—

- (a) the person has been previously convicted by or before a court in any part of the United Kingdom of any offence within subsection (2) or of culpable homicide, and
- (b) if that previous conviction is one of manslaughter or culpable homicide—
 - (i) the person was then a child or young person, and was sentenced to long-term detention under any of the relevant enactments, or
 - (ii) the person was not then a child or young person, and was sentenced to imprisonment or detention.

^{F10}(3B)

(4) This section applies whether or not an appeal is pending against conviction or sentence.

(5) In this section—

“conviction” includes—

- (a) a finding that a person is not guilty by reason of insanity;

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- (b) a finding under section 4A(3) of the ^{M1}Criminal Procedure (Insanity) Act 1964 (cases of unfitness to plead) that a person did the act or made the omission charged against him; and
- (c) a conviction of an offence for which an order is made ^{F11} . . . discharging [^{F12}the offender] absolutely or conditionally;
- and “convicted” shall be construed accordingly; ^{F13} ...
- ^{F14} ...
- “the relevant enactments” means—
- (a) as respects England and Wales, [^{F15}section 91 of the Powers of Criminal Courts (Sentencing) Act 2000][^{F16}or section 250 [^{F17}or 252A] of the Sentencing Code];
- (b) [^{F18}as respects Scotland, sections 205(1) to (3) and 208 of the Criminal Procedure (Scotland) Act 1995;]
- (c) as respects Northern Ireland, section 73(2) of the ^{M2}Children and Young Persons Act (Northern Ireland) 1968.

^{F19}(5A)

- (6) This section does not apply in relation to proceedings instituted before its commencement.

Textual Amendments

- F1** Words in s. 25(1) substituted (30.9.1998) by 1998 c. 37, s. 56 (with Sch. 9); S.I. 1998/2327, art. 2(1)(n)
- F2** Words in s. 25(1) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 11 para. 33; S.I. 2012/2906, art. 2(i)
- F3** Words in s. 25(2) substituted (31.12.2020) by The Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/780), regs. 1(1), 23(2) (with reg. 31) (as amended by S.I. 2020/1520, regs. 1(1), 7); 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 25(2)(d)-(n) substituted (1.5.2004) for s. 25(2)(d)(e) by Sexual Offences Act 2003 (c. 42), ss. 141, 139, Sch. 6 para. 32(2); S.I. 2004/874, art. 2
- F5** Words in s. 25(2)(d) omitted (2.2.2009) by virtue of The Sexual Offences (Northern Ireland Consequential Amendments) Order 2008 (S.I. 2008/1779), arts. 2(3), 16(2)
- F6** S. 25(2)(ma)-(mh) inserted (2.2.2009) by The Sexual Offences (Northern Ireland Consequential Amendments) Order 2008 (S.I. 2008/1779), arts. 2(3), 16(3)(a)
- F7** Word in s. 25(2)(n) substituted (2.2.2009) by The Sexual Offences (Northern Ireland Consequential Amendments) Order 2008 (S.I. 2008/1779), arts. 2(3), 16(3)(b)
- F8** S. 25(3) omitted (31.12.2020) by virtue of The Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/780), regs. 1(1), 23(3) (with reg. 31) (as amended by S.I. 2020/1520, regs. 1(1), 7); 2020 c. 1, Sch. 5 para. 1(1)
- F9** S. 25(3)-(3B) substituted for s. 25(3) (15.8.2010) by Coroners and Justice Act 2009 (c. 25), s. 182(5), Sch. 17 para. 3(2) (with s. 180); S.I. 2010/1858, art. 3(d)(ii)
- F10** S. 25(3B) omitted (31.12.2020) by virtue of The Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/780), regs. 1(1), 23(4) (with reg. 31) (as amended by S.I. 2020/1520, regs. 1(1), 7); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in s. 25(5) repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 304, 332, 336, Sch. 32 para. 67(a), Sch. 37 Pt. 7; S.I. 2005/950, art. 2, Sch. 1 paras. 23, 42(27), 44(4)(m) (subject to art. 2(2) and Sch. 2) (as amended by S.I. 2005/2122, art. 2)
- F12** Words in s. 25(5) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 304, 336, Sch. 32 para. 67(b); S.I. 2005/950, art. 2, Sch. 1 paras. 23, 42(27) (subject to art. 2(2) and Sch. 2) (as amended by S.I. 2005/2122, art. 2)

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- F13** Word in s. 25(5) repealed (15.8.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), [Sch. 17 para. 3\(3\)](#), [Sch. 23 Pt. 5](#) (with s. 180); [S.I. 2010/1858](#), art. 3(d)(f)(ii)
- F14** Words in s. 25(5) omitted (31.12.2020) by virtue of [The Criminal Justice \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/780\)](#), regs. 1(1), [23\(5\)](#) (with [reg. 31](#)) (as amended by [S.I. 2020/1520](#), regs. 1(1), 7); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F15** S. 25(5): Words in para. (a) of the definition of “the relevant enactments” substituted (25.8.2000) by 2000 c. 6, ss. 165, 168, [Sch. 9 para. 160](#)
- F16** Words in s. 25(5) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 129](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#)
- F17** Words in s. 25(5) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1) (i), [Sch. 13 para. 16](#)
- F18** S. 25(5): sub-para.(b) in definition of “the relevant enactments” substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), [Sch. 4 para. 93\(2\)](#) (with s. 4, [Sch. 3](#))
- F19** S. 25(5A) omitted (31.12.2020) by virtue of [The Criminal Justice \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/780\)](#), regs. 1(1), [23\(6\)](#) (with [reg. 31](#)) (as amended by [S.I. 2020/1520](#), regs. 1(1), 7); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Marginal Citations

- M1** 1964 c. 84.
- M2** 1968 c. 34 (N.I.).

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)