



# 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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.