

*Changes to legislation: There are currently no known outstanding effects for the Police and Justice Act 2006, SCHEDULE 6. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 6 **E+W**

Section 10

#### POLICE BAIL

#### PART 1 **E+W**

##### INTRODUCTORY

1 The Police and Criminal Evidence Act 1984 (c. 60) is amended as follows.

#### Commencement Information

**II** Sch. 6 para. 1 in force at 1.4.2007 by S.I. 2007/709, art. 3(i) (with arts. 6, 7)

#### PART 2 **E+W**

##### POLICE BAIL GRANTED ELSEWHERE THAN AT POLICE STATION

##### *Power to impose conditions on granting bail*

2 In section 30A (bail elsewhere than at police station), for subsection (4) (no condition of bail may be imposed other than requirement to attend police station) there is substituted—

“(3A) Where a constable releases a person on bail under subsection (1)—

- (a) no recognizance for the person's surrender to custody shall be taken from the person,
- (b) no security for the person's surrender to custody shall be taken from the person or from anyone else on the person's behalf,
- (c) the person shall not be required to provide a surety or sureties for his surrender to custody, and
- (d) no requirement to reside in a bail hostel may be imposed as a condition of bail.

(3B) Subject to subsection (3A), where a constable releases a person on bail under subsection (1) the constable may impose, as conditions of the bail, such requirements as appear to the constable to be necessary—

- (a) to secure that the person surrenders to custody,
- (b) to secure that the person does not commit an offence while on bail,
- (c) to secure that the person does not interfere with witnesses or otherwise obstruct the course of justice, whether in relation to himself or any other person, or

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- (d) for the person's own protection or, if the person is under the age of 17, for the person's own welfare or in the person's own interests.
- (4) Where a person is released on bail under subsection (1), a requirement may be imposed on the person as a condition of bail only under the preceding provisions of this section.”

**Commencement Information**

**I2** Sch. 6 para. 2 in force at 1.4.2007 by S.I. 2007/709, art. 3(i) (with arts. 6, 7)

*Contents of notice given to person released on bail*

- 3 In section 30B (bail under section 30A: notices), after subsection (4) there is inserted—

“(4A) If the person is granted bail subject to conditions under section 30A(3B), the notice also—

- (a) must specify the requirements imposed by those conditions,
- (b) must explain the opportunities under sections 30CA(1) and 30CB(1) for variation of those conditions, and
- (c) if it does not specify the police station at which the person is required to attend, must specify a police station at which the person may make a request under section 30CA(1)(b).”

**Commencement Information**

**I3** Sch. 6 para. 3 in force at 1.4.2007 by S.I. 2007/709, art. 3(i) (with arts. 6, 7)

*Variation of bail conditions*

- 4 After section 30C there is inserted—

**“30CA Bail under section 30A: variation of conditions by police**

- (1) Where a person released on bail under section 30A(1) is on bail subject to conditions—
  - (a) a relevant officer at the police station at which the person is required to attend, or
  - (b) where no notice under section 30B specifying that police station has been given to the person, a relevant officer at the police station specified under section 30B(4A)(c),
 may, at the request of the person but subject to subsection (2), vary the conditions.
- (2) On any subsequent request made in respect of the same grant of bail, subsection (1) confers power to vary the conditions of the bail only if the request is based on information that, in the case of the previous request or each previous request, was not available to the relevant officer considering that previous request when he was considering it.

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- (3) Where conditions of bail granted to a person under section 30A(1) are varied under subsection (1)—
- (a) paragraphs (a) to (d) of section 30A(3A) apply,
  - (b) requirements imposed by the conditions as so varied must be requirements that appear to the relevant officer varying the conditions to be necessary for any of the purposes mentioned in paragraphs (a) to (d) of section 30A(3B), and
  - (c) the relevant officer who varies the conditions must give the person notice in writing of the variation.
- (4) Power under subsection (1) to vary conditions is, subject to subsection (3) (a) and (b), power—
- (a) to vary or rescind any of the conditions, and
  - (b) to impose further conditions.
- (5) In this section “relevant officer”, in relation to a designated police station, means a custody officer but, in relation to any other police station—
- (a) means a constable, or a person designated as a staff custody officer under section 38 of the Police Reform Act 2002, who is not involved in the investigation of the offence for which the person making the request under subsection (1) was under arrest when granted bail under section 30A(1), if such a constable or officer is readily available, and
  - (b) if no such constable or officer is readily available—
    - (i) means a constable other than the one who granted bail to the person, if such a constable is readily available, and
    - (ii) if no such constable is readily available, means the constable who granted bail.

### **30CB Bail under section 30A: variation of conditions by court**

- (1) Where a person released on bail under section 30A(1) is on bail subject to conditions, a magistrates' court may, on an application by or on behalf of the person, vary the conditions if—
- (a) the conditions have been varied under section 30CA(1) since being imposed under section 30A(3B),
  - (b) a request for variation under section 30CA(1) of the conditions has been made and refused, or
  - (c) a request for variation under section 30CA(1) of the conditions has been made and the period of 48 hours beginning with the day when the request was made has expired without the request having been withdrawn or the conditions having been varied in response to the request.
- (2) In proceedings on an application for a variation under subsection (1), a ground may not be relied upon unless—
- (a) in a case falling within subsection (1)(a), the ground was relied upon in the request in response to which the conditions were varied under section 30CA(1), or
  - (b) in a case falling within paragraph (b) or (c) of subsection (1), the ground was relied upon in the request mentioned in that paragraph,

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but this does not prevent the court, when deciding the application, from considering different grounds arising out of a change in circumstances that has occurred since the making of the application.

- (3) Where conditions of bail granted to a person under section 30A(1) are varied under subsection (1)—
- (a) paragraphs (a) to (d) of section 30A(3A) apply,
  - (b) requirements imposed by the conditions as so varied must be requirements that appear to the court varying the conditions to be necessary for any of the purposes mentioned in paragraphs (a) to (d) of section 30A(3B), and
  - (c) that bail shall not lapse but shall continue subject to the conditions as so varied.
- (4) Power under subsection (1) to vary conditions is, subject to subsection (3) (a) and (b), power—
- (a) to vary or rescind any of the conditions, and
  - (b) to impose further conditions.”

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**Commencement Information**

**I4** Sch. 6 para. 4 in force at 1.4.2007 by S.I. 2007/709, art. 3(i) (with arts. 6, 7)

*Power of arrest for breach of bail conditions*

- 5 (1) Section 30D (failure to answer to bail under section 30A) is amended as follows.
- (2) After subsection (2) there is inserted—
- “(2A) A person who has been released on bail under section 30A may be arrested without a warrant by a constable if the constable has reasonable grounds for suspecting that the person has broken any of the conditions of bail.
- (2B) A person arrested under subsection (2A) must be taken to a police station (which may be the specified police station mentioned in subsection (1) or any other police station) as soon as practicable after the arrest.”
- (3) In subsection (4)(a) (arrest under section 30D treated for purposes of section 30 as arrest for offence, subject to obligation in subsection (2)), for “obligation in subsection (2)” there is substituted “ obligations in subsections (2) and (2B) ”.

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**Commencement Information**

**I5** Sch. 6 para. 5 in force at 1.4.2007 by S.I. 2007/709, art. 3(i) (with arts. 6, 7)

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### PART 3 **E+W**

#### POLICE BAIL GRANTED AT POLICE STATION BEFORE CHARGE

##### *Power to impose conditions on bail granted under section 37(2) or (7)(b)*

- 6 In section 47(1A) (where person released on bail under Part 4, normal powers to impose conditions of bail are available only where release is under section 37(7)(a) or 38(1)), for “37(7)(a)” there is substituted “ 37 ”.

##### **Commencement Information**

**I6** Sch. 6 para. 6 in force at 1.4.2007 by S.I. 2007/709, art. 3(i) (with arts. 6, 7)

##### *Power of arrest for breach of conditions of bail granted under section 37(2) or (7)(b)*

- 7 In section 46A(1A) (person released on bail under section 37(7)(a) or 37C(2)(b) may be arrested without warrant if suspected of breaking conditions of bail), for “37(7)(a) or 37C(2)(b)” there is substituted “ 37, 37C(2)(b) or 37CA(2)(b) ”.

##### **Commencement Information**

**I7** Sch. 6 para. 7 in force at 1.4.2007 by S.I. 2007/709, art. 3(i) (with arts. 6, 7)

##### *Dealing with person arrested for breach of conditions of bail granted under section 37(7)(b)*

- 8 (1) After section 37C there is inserted—

##### **“37CA Breach of bail following release under section 37(7)(b)**

- (1) This section applies where a person released on bail under section 37(7)(b) above or subsection (2)(b) below—
- (a) is arrested under section 46A below in respect of that bail, and
  - (b) is being detained following that arrest at the police station mentioned in section 46A(2) below.
- (2) The person arrested—
- (a) shall be charged, or
  - (b) shall be released without charge, either on bail or without bail.
- (3) The decision as to how a person is to be dealt with under subsection (2) above shall be that of a custody officer.
- (4) A person released on bail under subsection (2)(b) above shall be released on bail subject to the same conditions (if any) which applied immediately before his arrest.”
- (2) In section 37A(1)(a) and (3) (guidance as to exercise of functions under sections 37(7) and 37C(2)), after “37C(2)” there is inserted “ or 37CA(2) ”.

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#### Commencement Information

**I8** Sch. 6 para. 8 in force at 1.4.2007 by S.I. 2007/709, art. 3(i) (with arts. 6, 7)

#### *Time for person to answer bail granted under section 37(2) or (7)(b) or 37CA(2)(b)*

- 9 (1) In section 37D(1) (release on bail under section 37(7)(a) or 37C(2)(b): appointment of different or additional time to answer bail), for “37(7)(a) or section 37C(2)(b)” there is substituted “ 37, 37C(2)(b) or 37CA(2)(b) ”.
- (2) In the heading to section 37D, for “**under section 37(7)(a)**” there is substituted “ **on bail under section 37** ”.

#### Commencement Information

**I9** Sch. 6 para. 9 in force at 1.4.2007 by S.I. 2007/709, art. 3(i) (with arts. 6, 7)

#### *Dealing with person released on bail under section 37(7)(b) or 37CA(2)(b)*

- 10 (1) Section 37D (release under section 37(7)(a): further provision) is amended as follows.
- (2) For subsection (5) (person not fit to be dealt with as mentioned in subsection (4) to be detained until fit) there is substituted—
- “(4A) Where a person released on bail under section 37(7)(b) or 37CA(2)(b) above returns to a police station to answer bail or is otherwise in police detention at a police station, he may be kept in police detention to enable him to be dealt with in accordance with section 37CA above or to enable the power under subsection (1) above to be exercised.
- (5) If the person mentioned in subsection (4) or (4A) above is not in a fit state to enable him to be dealt with as mentioned in that subsection or to enable the power under subsection (1) above to be exercised, he may be kept in police detention until he is.”
- (3) In subsection (6) (application of section 37 where person detained under section 37D)
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- (a) after “subsection (4)” there is inserted “ , (4A) ”;
- (b) for “37(7)(a) or 37C(2)(b)” there is substituted “ 37(7), 37C(2)(b) or 37CA(2)(b) ”.

#### Commencement Information

**I10** Sch. 6 para. 10 in force at 1.4.2007 by S.I. 2007/709, art. 3(i) (with arts. 6, 7)

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*Applications to court where person released on  
bail under section 37(2) or (7)(b) or 37CA(2)(b)*

- 11 In section 47(1B) and (1C) (applications to court where person on bail under section 37(7)(a) or 37C(2)(b)), for “37(7)(a) or 37C(2)(b)” there is substituted “37, 37C(2)(b) or 37CA(2)(b)”.

**Commencement Information**

**I11** Sch. 6 para. 11 in force at 1.4.2007 by S.I. 2007/709, art. 3(i) (with arts. 6, 7)

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