
Changes to legislation: There are currently no known outstanding effects for the Police and Justice Act 2006, Cross Heading: Variation of bail conditions. (See end of Document for details)

SCHEDULES

SCHEDULE 6

POLICE BAIL

PART 2

POLICE BAIL GRANTED ELSEWHERE THAN AT POLICE STATION

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.
- (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.

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- (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, 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.

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- (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.”

Commencement Information

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

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