



Police and Justice Act 2006

2006 CHAPTER 48

PART 5

MISCELLANEOUS

Live links

46 Live link bail

- (1) The Police and Criminal Evidence Act 1984 (c. 60) is amended as follows.
- (2) After section 34(7) (persons who are to be treated as arrested) there is inserted—
 - “(8) Subsection (7) does not apply in relation to a person who is granted bail subject to the duty mentioned in section 47(3)(b) and who either—
 - (a) attends a police station to answer to such bail, or
 - (b) is arrested under section 46A for failing to do so,(provision as to the treatment of such persons for the purposes of this Part being made by section 46ZA).”
- (3) After section 46 (detention after charge) there is inserted—

“46ZA Persons granted live link bail

- (1) This section applies in relation to bail granted under this Part subject to the duty mentioned in section 47(3)(b) (“live link bail”).
- (2) An accused person who attends a police station to answer to live link bail is not to be treated as in police detention for the purposes of this Act.
- (3) Subsection (2) does not apply in relation to an accused person if—
 - (a) at any time before the beginning of proceedings in relation to a live link direction under section 57C of the Crime and Disorder Act 1998

Changes to legislation: There are currently no known outstanding effects for the Police and Justice Act 2006, Section 46. (See end of Document for details)

- in relation to him, he informs a constable that he does not intend to give his consent to the direction;
- (b) at any such time, a constable informs him that a live link will not be available for his use for the purposes of that section;
 - (c) proceedings in relation to a live link direction under that section have begun but he does not give his consent to the direction; or
 - (d) the court determines for any other reason not to give such a direction.
- (4) If any of paragraphs (a) to (d) of subsection (3) apply in relation to a person, he is to be treated for the purposes of this Part—
- (a) as if he had been arrested for and charged with the offence in connection with which he was granted bail, and
 - (b) as if he had been so charged at the time when that paragraph first applied in relation to him.
- (5) An accused person who is arrested under section 46A for failing to attend at a police station to answer to live link bail, and who is brought to a police station in accordance with that section, is to be treated for the purposes of this Part—
- (a) as if he had been arrested for and charged with the offence in connection with which he was granted bail, and
 - (b) as if he had been so charged at the time when he is brought to the station.
- (6) Nothing in subsection (4) or (5) affects the operation of section 47(6).”
- (4) In section 46A (power of arrest for failure to answer to police bail) after subsection (1) there is inserted—
- “(1ZA) The reference in subsection (1) to a person who fails to attend at a police station at the time appointed for him to do so includes a reference to a person who—
- (a) attends at a police station to answer to bail granted subject to the duty mentioned in section 47(3)(b), but
 - (b) leaves the police station at any time before the beginning of proceedings in relation to a live link direction under section 57C of the Crime and Disorder Act 1998 in relation to him, without informing a constable that he does not intend to give his consent to the direction.”

(5) In section 47 (bail after arrest) —

 - (a) in subsection (3), for paragraphs (a) and (b) and the words following them there is substituted—
 - “(a) to appear before a magistrates' court at such time and such place as the custody officer may appoint;
 - (b) to attend at such police station as the custody officer may appoint at such time as he may appoint for the purposes of—
 - (i) proceedings in relation to a live link direction under section 57C of the Crime and Disorder Act 1998 (use of live link direction at preliminary hearings where accused is at police station); and
 - (ii) any preliminary hearing in relation to which such a direction is given; or

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- (c) to attend at such police station as the custody officer may appoint at such time as he may appoint for purposes other than those mentioned in paragraph (b).”;
- (b) in subsection (7), at the end there is inserted “ or to a person to whom section 46ZA(4) or (5) applies ”.
- (6) In section 54 (searches of detained persons), in subsection (1)(b), after “37 above” there is inserted “ or as a person to whom section 46ZA(4) or (5) applies ”.

Commencement Information

- I1** S. 46 in force at 1.4.2007 for specified purposes by S.I. 2007/709, **art. 3(n)** (with arts. 6, 7)
- I2** S. 46 in force at 14.11.2008 for specified purposes by S.I. 2008/2785, **art. 2**
- I3** S. 46 in force at 3.10.2011 for specified purposes by S.I. 2011/2144, **art. 2(1)(b)**
- I4** S. 46 in force at 8.10.2012 in so far as not already in force by S.I. 2012/2373, **art. 2(b)**

Changes to legislation:

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