

SCHEDULES

SCHEDULE 4

PRE-CHARGE BAIL

PART 4

LIMITS ON PERIOD OF BAIL WITHOUT CHARGE

24 The Police and Criminal Evidence Act 1984 is amended as follows.

Commencement Information

- I1** Sch. 4 para. 24 not in force at Royal Assent, see [s. 208\(1\)](#)
I2 [Sch. 4 para. 24](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

25 In section 30B(8) (notice of release under section 30A: bail end date), for “28 days” substitute “3 months”.

Commencement Information

- I3** Sch. 4 para. 25 not in force at Royal Assent, see [s. 208\(1\)](#)
I4 [Sch. 4 para. 25](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

26 (1) Section 47ZB (applicable bail period: initial limit) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a)—

(i) for “SFO case” substitute “FCA case, HMRC case, NCA case or SFO case”, and

(ii) for “3 months” substitute “6 months”, and

(b) in paragraph (b)—

(i) for “in an FCA case or any other case” substitute “in any other case”, and

(ii) for “28 days” substitute “3 months”.

(3) In subsection (4)—

(a) in paragraph (b)(ii), for “a senior officer” substitute “a member of staff of that Authority who is of the description designated for the purposes of this sub-paragraph by the Chief Executive of that Authority”,

(b) after paragraph (b) insert—

“(ba) an “HMRC case” is a case in which—

(i) the relevant offence in relation to the person is being investigated by an officer of Revenue and Customs, and

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- (ii) an officer of Revenue and Customs confirms that sub-paragraph (i) applies,
- (bb) an “NCA case” is a case in which—
 - (i) the relevant offence in relation to the person is being investigated by the National Crime Agency, and
 - (ii) a National Crime Agency officer confirms that sub-paragraph (i) applies,”
- (c) in paragraph (c)(ii), for “a senior officer” substitute “a member of the Serious Fraud Office”, and
- (d) omit paragraph (d) and the “and” preceding that paragraph.

Commencement Information

- I5** Sch. 4 para. 26 not in force at Royal Assent, see [s. 208\(1\)](#)
- I6** Sch. 4 para. 26 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

- 27 In section 47ZC (applicable bail period: conditions A to D in sections 47ZD to 47ZG), in subsection (6)—
- (a) in paragraph (a), for “senior officer” substitute “relevant officer”,
 - (b) after paragraph (a) insert—
 - “(aa) in relation to a condition which falls to be considered by virtue of section 47ZDA, the senior officer in question;
 - (ab) in relation to a condition which falls to be considered by virtue of section 47ZDB, the appropriate decision-maker in question,” and
 - (c) in paragraph (b), for “appropriate decision-maker” substitute “qualifying police officer”.

Commencement Information

- I7** Sch. 4 para. 27 not in force at Royal Assent, see [s. 208\(1\)](#)
- I8** Sch. 4 para. 27 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

- 28 (1) Section 47ZD (applicable bail period: extension of initial limit in standard cases) is amended as follows.
- (2) In subsection (1)(c), for “senior officer” substitute “relevant officer”.
 - (3) In subsection (2)—
 - (a) for “senior officer” substitute “relevant officer”, and
 - (b) for “3 months” substitute “6 months”.
 - (4) In subsections (3) to (5), for “senior officer” substitute “relevant officer”.
 - (5) After subsection (5) insert—
 - “(6) For the purposes of this Part “relevant officer” means a police officer of the rank of inspector or above.”

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Commencement Information

I9 Sch. 4 para. 28 not in force at Royal Assent, see **s. 208(1)**

I10 Sch. 4 para. 28 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**

29 After section 47ZD insert—

“47ZDA Applicable bail period: further extension of limit in standard cases

- (1) This section applies in relation to a person if—
 - (a) a relevant officer has authorised an extension of the applicable bail period in relation to the person under section 47ZD,
 - (b) that period has not ended, and
 - (c) a senior officer is satisfied that conditions A to D are met in relation to the person.
- (2) The senior officer may authorise the applicable bail period in relation to the person to be extended so that it ends at the end of the period of 9 months beginning with the person’s bail start date.
- (3) Before determining whether to give an authorisation under subsection (2) in relation to a person, the senior officer must arrange for the person or the person’s legal representative to be informed that a determination is to be made.
- (4) In determining whether to give an authorisation under subsection (2) in relation to a person, the senior officer must consider any representations made by the person or the person’s legal representative.
- (5) The senior officer must arrange for the person or the person’s legal representative to be informed whether an authorisation under subsection (2) has been given in relation to the person.
- (6) For the purposes of this Part “senior officer” means a police officer of the rank of superintendent or above.

47ZDB Applicable bail period: extension of limit in non-standard cases

- (1) This section applies in relation to a person if—
 - (a) the applicable bail period in relation to a person is the period mentioned in section 47ZB(1)(a),
 - (b) that period has not ended, and
 - (c) an appropriate decision-maker is satisfied that conditions A to D are met in relation to the person.
- (2) The appropriate decision-maker may authorise the applicable bail period in relation to the person to be extended so that it ends at the end of the period of 12 months beginning with the person’s bail start date.
- (3) Before determining whether to give an authorisation under subsection (2) in relation to a person, the appropriate decision-maker must arrange for the person or the person’s legal representative to be informed that a determination is to be made.

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- (4) In determining whether to give an authorisation under subsection (2) in relation to a person, the appropriate decision-maker must consider any representations made by the person or the person's legal representative.
- (5) The appropriate decision-maker must arrange for the person or the person's legal representative to be informed whether an authorisation under subsection (2) has been given in relation to the person.
- (6) For the purposes of this Part "appropriate decision-maker" means—
- (a) in an FCA case, a member of staff of the Financial Conduct Authority who is of the description designated for the purposes of this section by the Chief Executive of that Authority,
 - (b) in an HMRC case, an officer of Revenue and Customs of a grade that is equivalent to the rank of superintendent or above,
 - (c) in an NCA case, a National Crime Agency officer of a grade that is equivalent to the rank of superintendent or above, and
 - (d) in an SFO case, a member of the Serious Fraud Office who is of the Senior Civil Service."

Commencement Information

I11 Sch. 4 para. 29 not in force at Royal Assent, see [s. 208\(1\)](#)

I12 Sch. 4 para. 29 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

- 30 (1) Section 47ZE (applicable bail period: extension of limit in designated cases) is amended as follows.
- (2) In subsection (1), for paragraphs (a) and (b) substitute "a senior officer has authorised an extension of the applicable bail period in relation to the person under section 47ZDA."
- (3) In subsection (2), for "A qualifying prosecutor" substitute "The Director of Public Prosecutions".
- (4) In subsection (3)—
- (a) for "an appropriate decision-maker" substitute "a qualifying police officer",
 - (b) for "the decision maker" substitute "the officer", and
 - (c) for "6 months" substitute "12 months".
- (5) Omit subsection (4).
- (6) In subsection (5)—
- (a) in paragraph (a), for "appropriate decision-maker" substitute "qualifying police officer", and
 - (b) for paragraph (b) substitute—

“(b) the qualifying police officer must consult the Director of Public Prosecutions.”
- (7) In subsections (6) and (7), for "appropriate decision-maker" substitute "qualifying police officer".
- (8) In subsection (9) omit the definition of "qualifying prosecutor" and the "and" immediately before that definition.

Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, PART 4. (See end of Document for details)

Commencement Information

I13 Sch. 4 para. 30 not in force at Royal Assent, see **s. 208(1)**

I14 Sch. 4 para. 30 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**

31 (1) Section 47ZF (applicable bail period: first extension of limit by court) is amended as follows.

(2) In subsection (1)—

- (a) omit paragraph (a),
- (b) in paragraph (b), for “section 47ZD” substitute “section 47ZDA”,
- (c) after paragraph (b) (but before the “or” at the end of that paragraph) insert—
 - “(ba) an appropriate decision-maker has authorised an extension of the applicable bail period in relation to the person under section 47ZDB,” and
- (d) in paragraph (c), for “an appropriate decision-maker” substitute “a qualifying police officer”.

(3) In subsection (4)—

- (a) in paragraph (a)—
 - (i) for “subsection (1)(a) or (b)” substitute “subsection (1)(b)”, and
 - (ii) for “6 months” substitute “12 months”, and
- (b) in paragraph (b)—
 - (i) for “subsection (1)(c)” substitute “subsection (1)(ba) or (c)”, and
 - (ii) for “9 months” substitute “18 months”.

(4) In subsection (6)—

- (a) in paragraph (a)—
 - (i) for “subsection (1)(a) or (b)” substitute “subsection (1)(b)”, and
 - (ii) for “9 months” substitute “18 months”, and
- (b) in paragraph (b)—
 - (i) for “subsection (1)(c)” substitute “subsection (1)(ba) or (c)”, and
 - (ii) for “12 months” substitute “24 months”.

(5) In subsection (8), after paragraph (b) insert—

- “(ba) an officer of Revenue and Customs,
- (bb) a National Crime Agency officer.”.

Commencement Information

I15 Sch. 4 para. 31 not in force at Royal Assent, see **s. 208(1)**

I16 Sch. 4 para. 31 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**

32 In section 47ZI (sections 47ZF to 47ZH: proceedings in magistrates’ court), in each of subsections (2)(a) and (3)(a), for “12 months” substitute “24 months”.

Commencement Information

I17 Sch. 4 para. 32 not in force at Royal Assent, see **s. 208(1)**

Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, PART 4. (See end of Document for details)

I18 Sch. 4 para. 32 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**

33 In section 47ZM(2) (applicable bail period: special case of release on bail under section 30A), for “28 days”, in both places, substitute “3 months”.

Commencement Information

I19 Sch. 4 para. 33 not in force at Royal Assent, see **s. 208(1)**

I20 Sch. 4 para. 33 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**

Changes to legislation:

There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, PART 4.