

SCHEDULES

SCHEDULE 17

TREATMENT OF CONVICTIONS IN OTHER MEMBER STATES ETC

Bail

- 3 (1) Section 25 of the [Criminal Justice and Public Order Act 1994 \(c. 33\)](#) (no bail for defendants charged with or convicted of homicide or rape after previous conviction of such offences) is amended as follows.
- (2) For subsection (3) substitute—
- “(3) This section applies in the circumstances described in subsection (3A) or (3B) only.
- (3A) This section applies where—
- (a) the person has been previously convicted by or before a court in any part of the United Kingdom of any offence within subsection (2) or of culpable homicide, and
 - (b) if that previous conviction is one of manslaughter or culpable homicide—
 - (i) the person was then a child or young person, and was sentenced to long-term detention under any of the relevant enactments, or
 - (ii) the person was not then a child or young person, and was sentenced to imprisonment or detention.
- (3B) This section applies where—
- (a) the person has been previously convicted by or before a court in another member State of any relevant foreign offence corresponding to an offence within subsection (2) or to culpable homicide, and
 - (b) if the previous conviction is of a relevant foreign offence corresponding to the offence of manslaughter or culpable homicide—
 - (i) the person was then a child or young person, and was sentenced to detention for a period in excess of 2 years, or
 - (ii) the person was not then a child or young person, and was sentenced to detention.”
- (3) In subsection (5), omit “and” at the end of the definition of “conviction”, and at the end insert—
- ““relevant foreign offence”, in relation to a member State other than the United Kingdom, means an offence under the law in force in that member State.”
- (4) After that subsection insert—

Status: This is the original version (as it was originally enacted).

“(5A) For the purposes of subsection (3B), a relevant foreign offence corresponds to another offence if the relevant foreign offence would have constituted that other offence if it had been done in any part of the United Kingdom at the time when the relevant foreign offence was committed.”