# Policing and Crime Act 2017

**2017 CHAPTER 3**

## PART 4 U.K.

POLICE POWERS

## CHAPTER 1 E+W+N.I.

PRE-CHARGE BAIL

*Time limits on period of bail*

### 62 Limit on period of bail under section 30A of PACE E+W

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

(2) Section 30B (section 30A: notices) is amended as follows.

(3) For subsection (4) substitute—

"(4) The notice must also specify—

(a) the police station which the person is required to attend, and

(b) the time on the bail end date when the person is required to attend the police station."

(4) Omit subsection (4A)(c) and the "and" before it.

(5) Omit subsection (5).

(6) In subsection (6) for the words from "(5)" to the end substitute " to attend at a different time or an additional time ".

(7) After subsection (6) insert—

"(6A) A person may not be required under subsection (6) to attend a police station at a time which is after the bail end date in relation to the person."

***Changes to legislation:*** *Policing and Crime Act 2017, Cross Heading: Time limits on period of bail is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(8) After subsection (7) insert—

"(8) In this section "bail end date", in relation to a person, means the last day of the period of 28 days beginning with the day after the day on which the person was arrested for the offence in relation to which bail is granted under section 30A."

(9) In section 30CA (bail under section 30A: variation of conditions by police) omit subsection (1)(b) and the "or" before it.

(10) In section 30D(3) (meaning of "specified" in section 30D(1)) omit "or (5)".

**Commencement Information**

**I1** S. 62 in force for specified purposes at Royal Assent, see s. 183

## 63 Limits on period of bail without charge under Part 4 of PACE E+W

After section 47 of the Police and Criminal Evidence Act 1984 insert—

"**47ZA Limits on period of bail without charge**

(1) This section applies in relation to the power conferred on a custody officer, when releasing a person on bail under this Part, to appoint a time for the person to attend at a police station in accordance with section 47(3)(c).

(2) The power must be exercised so as to appoint a time on the day on which the applicable bail period in relation to the person ends, unless subsection (3) or (4) applies.

(3) This subsection applies where—

(a) at the time of the exercise of the power the person is on bail under this Part in relation to one or more offences other than the relevant offence, and

(b) the custody officer believes that it is appropriate to align the person's attendance in relation to the relevant offence with the person's attendance in relation to the one or more other offences.

(4) This subsection applies where the custody officer believes that a decision as to whether to charge the person with the relevant offence would be made before the end of the applicable bail period in relation to the person.

(5) Where subsection (3) or (4) applies, the power may be exercised so as to appoint a time on a day falling before the end of the applicable bail period in relation to the person.

(6) This section is subject to section 47ZL.

(7) In this section references to attendance are to attendance at a police station in accordance with section 47(3)(c).

(8) In this Part the "relevant offence", in relation to a person, means the offence in respect of which the power mentioned in subsection (1) is exercised in relation to the person.

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### 47ZB Applicable bail period: initial limit

(1) In this Part the "applicable bail period", in relation to a person, means—
- (a) in an SFO case, the period of 3 months beginning with the person's bail start date, or
- (b) in an FCA case or any other case, the period of 28 days beginning with the person's bail start date.

(2) The applicable bail period in relation to a person may be extended under sections 47ZD to 47ZG or treated as extended under section 47ZJ(3).

(3) Subsection (1) and sections 47ZD to 47ZG are subject to sections 47ZL and 47ZM.

(4) For the purposes of this Part—
- (a) a person's bail start date is the day after the day on which the person was arrested for the relevant offence,
- (b) an "FCA case" is a case in which—
  - (i) the relevant offence in relation to the person is being investigated by the Financial Conduct Authority, and
  - (ii) a senior officer confirms that sub-paragraph (i) applies,
- (c) an "SFO case" is a case in which—
  - (i) the relevant offence in relation to the person is being investigated by the Director of the Serious Fraud Office, and
  - (ii) a senior officer confirms that sub-paragraph (i) applies, and
- (d) "senior officer" means a police officer of the rank of superintendent or above.

### 47ZC Applicable bail period: conditions A to D in sections 47ZD to 47ZG

(1) This section applies for the purposes of sections 47ZD to 47ZG.

(2) Condition A is that the decision-maker has reasonable grounds for suspecting the person in question to be guilty of the relevant offence.

(3) Condition B is that the decision-maker has reasonable grounds for believing—
- (a) in a case where the person in question is or is to be released on bail under section 37(7)(c) or 37CA(2)(b), that further time is needed for making a decision as to whether to charge the person with the relevant offence, or
- (b) otherwise, that further investigation is needed of any matter in connection with the relevant offence.

(4) Condition C is that the decision-maker has reasonable grounds for believing—
- (a) in a case where the person in question is or is to be released on bail under section 37(7)(c) or 37CA(2)(b), that the decision as to whether to charge the person with the relevant offence is being made diligently and expeditiously, or
- (b) otherwise, that the investigation is being conducted diligently and expeditiously.

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(5) Condition D is that the decision-maker has reasonable grounds for believing that the release on bail of the person in question is necessary and proportionate in all the circumstances (having regard, in particular, to any conditions of bail which are, or are to be, imposed).

(6) In this section "decision-maker" means—
- (a) in relation to a condition which falls to be considered by virtue of section 47ZD, the senior officer in question;
- (b) in relation to a condition which falls to be considered by virtue of section 47ZE, the appropriate decision-maker in question;
- (c) in relation to a condition which falls to be considered by virtue of section 47ZF or 47ZG, the court in question.

### 47ZD Applicable bail period: extension of initial limit in standard cases

(1) This section applies in relation to a person if—
- (a) the applicable bail period in relation to the person is the period mentioned in section 47ZB(1)(b),
- (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 3 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.

### 47ZE Applicable bail period: extension of limit in designated cases

(1) This section applies in relation to a person if—
- (a) the person's case is an SFO case, or
- (b) a senior officer has authorised an extension of the applicable bail period in relation to the person under section 47ZD.

(2) A qualifying prosecutor may designate the person's case as being an exceptionally complex case (a "designated case").

(3) If an appropriate decision-maker is satisfied that conditions A to D are met in relation to the person in a designated case, the 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 6 months beginning with the person's bail start date.

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(4) An appropriate decision-maker is—

(a) a member of staff of the Financial Conduct Authority who is of the description designated for the purposes of this paragraph by the Chief Executive of the Authority (in an FCA case),

(b) a member of the Serious Fraud Office who is of the Senior Civil Service (in an SFO case), or

(c) a qualifying police officer (in any other case).

(5) Before determining whether to give an authorisation under subsection (3) in relation to a person—

(a) 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, and

(b) if the appropriate decision-maker is a qualifying police officer, the officer must consult a qualifying prosecutor.

(6) In determining whether to give an authorisation under subsection (3) in relation to a person, the appropriate decision-maker must consider any representations made by the person or the person's legal representative.

(7) The appropriate decision-maker must arrange for the person or the person's legal representative to be informed whether an authorisation under subsection (3) has been given in relation to the person.

(8) Any designation under subsection (2) must be made, and any authorisation under subsection (3) must be given, before the applicable bail period in relation to the person has ended.

(9) In this section—

"qualifying police officer" means a police officer of the rank of commander or assistant chief constable or above, and

"qualifying prosecutor" means a prosecutor of the description designated for the purposes of this section by the Chief Executive of the Financial Conduct Authority, the Director of the Serious Fraud Office or the Director of Public Prosecutions.

### 47ZF Applicable bail period: first extension of limit by court

(1) This section applies in relation to a person if—

(a) the person's case is an SFO case,

(b) a senior officer has authorised an extension of the applicable bail period in relation to the person under section 47ZD, or

(c) an appropriate decision-maker has authorised an extension of the applicable bail period in relation to the person under section 47ZE.

(2) Before the applicable bail period in relation to the person ends a qualifying applicant may apply to a magistrates' court for it to authorise an extension of the applicable bail period in relation to the person under this section.

(3) If the court is satisfied that—

(a) conditions B to D are met in relation to the person, and

(b) the case does not fall within subsection (7),

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it may authorise the applicable bail period to be extended as specified in subsection (4).

(4) The applicable bail period is to end—

(a) in a case falling within subsection (1)(a) or (b), at the end of the period of 6 months beginning with the person's bail start date;

(b) in a case falling within subsection (1)(c), at the end of the period of 9 months beginning with the person's bail start date.

(5) If the court is satisfied that—

(a) conditions B to D are met in relation to the person, and

(b) the case falls within subsection (7),

it may authorise the applicable bail period to be extended as specified in subsection (6).

(6) The applicable bail period is to end—

(a) in a case falling within subsection (1)(a) or (b), at the end of the period of 9 months beginning with the person's bail start date;

(b) in a case falling within subsection (1)(c), at the end of the period of 12 months beginning with the person's bail start date.

(7) A case falls within this subsection if the nature of the decision or further investigations mentioned in condition B means that that decision is unlikely to be made or those investigations completed if the applicable bail period in relation to the person is not extended as specified in subsection (6).

(8) In this section "qualifying applicant" means—

(a) a constable,

(b) a member of staff of the Financial Conduct Authority who is of the description designated for the purposes of this subsection by the Chief Executive of the Authority,

(c) a member of the Serious Fraud Office, or

(d) a Crown Prosecutor.

### 47ZG Applicable bail period: subsequent extensions of limit by court

(1) Subsections (2) to (6) apply where a court has authorised an extension of the applicable bail period in relation to a person under section 47ZF.

(2) Before the applicable bail period in relation to the person ends a qualifying applicant may apply to a magistrates' court for it to authorise an extension of the applicable bail period in relation to the person under this section.

(3) If the court is satisfied that—

(a) conditions B to D are met in relation to the person, and

(b) the case does not fall within subsection (8),

it may authorise the applicable bail period to be extended as specified in subsection (4).

(4) The applicable bail period is to end at the end of the period of 3 months beginning with the end of the current applicable bail period in relation to the person.

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(5) If the court is satisfied that—
  (a) conditions B to D are met in relation to the person, and
  (b) the case falls within subsection (8),

it may authorise the applicable bail period to be extended as specified in subsection (6).

(6) The applicable bail period is to end at the end of the period of 6 months beginning with the end of the current applicable bail period in relation to the person.

(7) Where a court has authorised an extension of the applicable bail period in relation to a person under subsection (3) or (5), a qualifying applicant may make further applications under subsection (2) (and subsections (3) to (6) apply accordingly).

(8) A case falls within this subsection if the nature of the decision or further investigations mentioned in condition B means that that decision is unlikely to be made or those investigations completed if the current applicable bail period in relation to the person is not extended as specified in subsection (6).

(9) For the purposes of this section—
  (a) references to the current applicable bail period in relation to a person are to the applicable bail period applying to the person when the application under this section is made (subject to section 47ZJ(3)), and
  (b) "qualifying applicant" has the same meaning as in section 47ZF.

**47ZH Sections 47ZF and 47ZG: withholding sensitive information**

(1) This section applies where a qualifying applicant makes an application to a magistrates' court under section 47ZF or 47ZG in relation to a person.

(2) The qualifying applicant may apply to the court for it to authorise the specified information to be withheld from the person and any legal representative of the person.

(3) The court may grant an application under subsection (2) only if satisfied that there are reasonable grounds for believing that the specified information is sensitive information.

(4) For the purposes of this section information is sensitive information if its disclosure would have one or more of the following results—
  (a) evidence connected with an indictable offence would be interfered with or harmed;
  (b) a person would be interfered with or physically injured;
  (c) a person suspected of having committed an indictable offence but not yet arrested for the offence would be alerted;
  (d) the recovery of property obtained as a result of an indictable offence would be hindered.

(5) In this section "specified information" means the information specified in the application under subsection (2).

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### 47ZI Sections 47ZF to 47ZH: proceedings in magistrates' court

(1) An application made to a magistrates' court under section 47ZF or 47ZG in relation to a person is to be determined by a single justice of the peace on written evidence unless subsection (2) or (3) applies.

(2) This subsection applies if—
- (a) the effect of the application would be to extend the applicable bail period in relation to the person so that it ends at or before the end of the period of 12 months beginning with the person's bail start date, and
- (b) a single justice of the peace considers that the interests of justice require an oral hearing.

(3) This subsection applies if—
- (a) the effect of the application would be to extend the applicable bail period in relation to the person so that it ends after the end of the period of 12 months beginning with the person's bail start date, and
- (b) the person, or the person who made the application, requests an oral hearing.

(4) If subsection (2) or (3) applies, the application is to be determined by two or more justices of the peace sitting otherwise than in open court.

(5) Where an application under section 47ZF or 47ZG in relation to a person is to be determined as mentioned in subsection (4), the justices may direct that the person and any legal representative of the person be excluded from any part of the hearing.

(6) The justices may give a direction under subsection (5) only if satisfied that there are reasonable grounds for believing that sensitive information would be disclosed at the part of the hearing in question.

(7) An application under section 47ZH is to be determined by a single justice of the peace on written evidence unless the justice determines that the interests of justice require an oral hearing.

(8) If the justice makes a determination under subsection (7)—
- (a) the application is to be determined by two or more justices of the peace sitting otherwise than in open court, and
- (b) the justices hearing the application must direct that the person to whom the application relates and any legal representative of the person be excluded from the hearing.

(9) In this section "sensitive information" has the meaning given in section 47ZH(4).

### 47ZJ Sections 47ZF and 47ZG: late applications to magistrates' court

(1) This section applies where—
- (a) an application under section 47ZF or 47ZG is made to a magistrates' court before the end of the applicable bail period in relation to a person, but

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(b) it is not practicable for the court to determine the application before the end of that period.

(2) The court must determine the application as soon as is practicable.

(3) The applicable bail period in relation to the person is to be treated as extended until the application is determined.

(4) If it appears to the court that it would have been reasonable for the application to have been made in time for it to have been determined by the court before the end of the applicable bail period in relation to the person, it may refuse the application.

**47ZK Rules**

Criminal Procedure Rules may make provision in connection with applications under sections 47ZF, 47ZG and 47ZH and the proceedings for determining such applications.

**47ZL Applicable bail period and bail return date: special case of release on bail under section 37(7)(a) or 37C(2)(b)**

(1) This section applies where a person is released on bail under section 37(7)(a) or 37C(2)(b).

(2) The running of the applicable bail period in relation to the person—
(a) does not begin (in the case of a first release on bail), or
(b) is suspended (in any other case),
(subject to subsection (6)).

(3) Accordingly section 47ZA does not apply to the exercise of the power mentioned in section 47ZA(1) when releasing the person on bail.

(4) Subsections (5) and (6) apply if a DPP request is made in relation to the person.

(5) A custody officer must exercise the power mentioned in section 47(4A) to appoint a different time for the person to attend at the police station (and section 47(4B) to (4D) applies accordingly).

(6) The applicable bail period in relation to the person—
(a) begins to run on the day on which the DPP request is made (in the case of a first release on bail), or
(b) resumes running on that day (in any other case).

(7) Subsection (8) applies where—
(a) a DPP request has been made in relation to the person, and
(b) the applicable bail period in relation to the person would end before the end of the period of 7 days beginning with the day on which the DPP request was made.

(8) The running of the applicable bail period in relation to the person is suspended for the number of days necessary to secure that the applicable bail period ends at the end of the period of 7 days beginning with the day on which the DPP request was made.

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(9) Subsections (10) and (11) apply if the DPP request made in relation to the person is met.

(10) The running of the applicable bail period in relation to the person is suspended.

(11) Accordingly section 47(4D) does not apply to any exercise of the power under section 47(4A).

(12) For the purposes of this section—

(a) a "DPP request", in relation to a person, means a request by the Director of Public Prosecutions for the further information specified in the request to be provided before the Director decides under section 37B(2) whether there is sufficient evidence to charge the person with the relevant offence,

(b) a DPP request is met when the further information specified in the request is provided, and

(c) references to the case of a first release on bail are to a case where the person has not been released on bail in relation to the relevant offence under any other provision of this Part or under section 30A.

**47ZM Applicable bail period: special cases of release on bail under section 30A and periods in hospital**

(1) Subsections (2) and (3) apply where a person was released on bail under section 30A.

(2) The period of 28 days mentioned in section 30B(8) in relation to the person is to be treated as being the period of 28 days mentioned in section 47ZB(1)(b) in relation to the person.

(3) Any reference to the relevant offence, in relation to the person, is to be read as a reference to the offence in respect of which the power in section 30A(1) was exercised.

(4) Subsection (5) applies if, at any time on the day on which the applicable bail period in relation to a person would end, the person is in hospital as an in-patient.

(5) The running of the applicable bail period in relation to the person is to be treated as having been suspended for any day on which the patient was in hospital as an in-patient."

**Commencement Information**

**I2** S. 63 in force for specified purposes at Royal Assent, see s. 183

## 64 Section 63: consequential amendments E+W

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

(2) Section 37D (release on bail under section 37) is amended as follows.

(3) Omit subsections (1) to (3).

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(4) In subsections (4) to (5) for "subsection (1) above" substitute " section 47(4A) ".

(5) Section 47 (bail after arrest) is amended as follows.

(6) In subsection (3)(c) at the end insert " (subject to section 47ZA) ".

(7) After subsection (4) insert—

"(4A) Where a person has been granted bail under this Part subject to a duty to attend at a police station, a custody officer may subsequently appoint a different time, or an additional time, at which the person is to attend at the police station to answer bail.

(4B) The custody officer must give the person notice in writing of the exercise of the power under subsection (4A).

(4C) The exercise of the power under subsection (4A) does not affect the conditions of bail (if any).

(4D) A custody officer may not appoint a time for a person's attendance under subsection (4A) which is after the end of the applicable bail period in relation to the person.

(4E) Subsection (4D) is subject to section 47ZL."

(8) In the Criminal Justice Act 2003—

(a) in section 24A(5)(b) (purposes for which person may be kept in police detention) for "section 37D(1)" substitute " section 47(4A) ", and

(b) in section 24B(5) (application of provisions of the Police and Criminal Evidence Act 1984)—

(i) omit paragraph (a), and

(ii) in paragraph (c) at the end insert " except subsections (4D) and (4E) ".

**Commencement Information**

**I3** S. 64 in force for specified purposes at Royal Assent, see s. 183

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**Changes and effects yet to be applied to :**

– specified provision(s) amendment to earlier commencing S.I. 2017/1139, reg. 2 by S.I. 2017/1162 reg. 2