

**Changes to legislation:** Police, Crime, Sentencing and Courts Act 2022, SCHEDULE 4 is up to date with all changes known to be in force on or before 03 April 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

## SCHEDULES

### SCHEDULE 4

Section 45

#### PRE-CHARGE BAIL

#### PART 1

#### GRANT OF PRE-CHARGE BAIL

#### *Amendments to the Police and Criminal Evidence Act 1984 (c. 60)*

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

#### Commencement Information

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

2 (1) Section 30A (release of a person arrested elsewhere than at a police station) is amended as follows.

(2) For subsection (1) substitute—

“(1) If subsection (1A) applies, a constable may release on bail a person who is arrested or taken into custody in the circumstances mentioned in section 30(1).”

(3) In subsection (1A)(b), for “a police officer of the rank of inspector or above” substitute “a custody officer”.

(4) Before subsection (2) insert—

“(1C) If subsection (1A) does not apply, a constable may release without bail a person who is arrested or taken into custody in the circumstances mentioned in section 30(1).”

(5) In subsection (2), after “subsection (1)” insert “or (1C)”.

#### Commencement Information

- I3** Sch. 4 para. 2 not in force at Royal Assent, see [s. 208\(1\)](#)  
**I4** [Sch. 4 para. 2](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

3 (1) Section 34 (limitations on police detention) is amended as follows.

(2) For subsection (5) substitute—

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“(5) A person whose release is ordered under subsection (2) must be released on bail if subsection (5A) applies.”

(3) After subsection (5A) insert—

“(5AA) A person whose release is ordered under subsection (2) must be released without bail if subsection (5A) does not apply.”

(4) In subsection (5B)(a), after “subsection (5)” insert “or (5AA)”.

#### Commencement Information

**I5** Sch. 4 para. 3 not in force at Royal Assent, see [s. 208\(1\)](#)

**I6** [Sch. 4 para. 3](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

4 In section 36 (custody officers at police stations), after subsection (7B) insert—

“(7C) The reference to a custody officer in section 30A(1A)(b) includes a reference to an officer other than a custody officer who is performing the functions of a custody officer by virtue of subsection (4) above.”

#### Commencement Information

**I7** Sch. 4 para. 4 not in force at Royal Assent, see [s. 208\(1\)](#)

**I8** [Sch. 4 para. 4](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

5 (1) Section 37 (duties of custody officer before charge) is amended as follows.

(2) For subsection (2) substitute—

“(2) If—

(a) the custody officer (“C”) determines that C does not have such evidence before C, and

(b) the pre-conditions for bail are satisfied,

the person arrested must be released on bail (subject to subsection (3)).”

(3) After subsection (2) insert—

“(2A) If—

(a) the custody officer (“C”) determines that C does not have such evidence before C, and

(b) the pre-conditions for bail are not satisfied,

the person arrested must be released without bail (subject to subsection (3)).”

(4) In subsection (6A)(a), after “subsection (2)” insert “or (2A)”.

(5) In subsection (7), for paragraphs (b) and (c) (including the “or” at the end of paragraph (c)) substitute—

“(b) shall be released—

(i) without charge, and

(ii) if the pre-conditions for bail are satisfied, on bail,

but not for the purpose mentioned in paragraph (a),

(c) shall be released—

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- (i) without charge, and
- (ii) if the pre-conditions for bail are not satisfied, without bail, or”.

(6) In subsection (8A)(b), for “(c)” substitute “(b)”.

#### Commencement Information

- I9** Sch. 4 para. 5 not in force at Royal Assent, see [s. 208\(1\)](#)  
**I10** Sch. 4 para. 5 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

- 6 (1) Section 37CA (breach of bail following release under section 37(7)(c)) is amended as follows.
- (2) In the section heading, for “section 37(7)(c)” substitute “section 37(7)(b)”.
- (3) In subsection (1), for “section 37(7)(c)” substitute “section 37(7)(b)”.
- (4) In subsection (2), for paragraph (b) substitute—
- “(b) shall be released—
  - (i) without charge, and
  - (ii) if the pre-conditions for bail are satisfied, on bail, or
  - (c) shall be released—
  - (i) without charge, and
  - (ii) if the pre-conditions for bail are not satisfied, without bail.”

#### Commencement Information

- I11** Sch. 4 para. 6 not in force at Royal Assent, see [s. 208\(1\)](#)  
**I12** Sch. 4 para. 6 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

- 7 In section 37D(4A) (release on bail under section 37: further provision), for “section 37(7)(c)” substitute “section 37(7)(b)”.

#### Commencement Information

- I13** Sch. 4 para. 7 not in force at Royal Assent, see [s. 208\(1\)](#)  
**I14** Sch. 4 para. 7 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

- 8 In section 41(7) (release following period of detention without charge), for paragraphs (a) and (b) substitute—
- “(a) on bail, if the pre-conditions for bail are satisfied, or
  - (b) without bail, if those pre-conditions are not satisfied.”

#### Commencement Information

- I15** Sch. 4 para. 8 not in force at Royal Assent, see [s. 208\(1\)](#)  
**I16** Sch. 4 para. 8 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

- 9 In section 42(10) (release following continued detention without charge), for paragraphs (a) and (b) and the words following those paragraphs substitute—

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- “(a) on bail, if the pre-conditions for bail are satisfied, or
- (b) without bail, if those pre-conditions are not satisfied,

subject to subsection (10A).”

#### Commencement Information

- I17** Sch. 4 para. 9 not in force at Royal Assent, see [s. 208\(1\)](#)
- I18** Sch. 4 para. 9 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

- 10 (1) Section 43 (warrants of further detention) is amended as follows.
- (2) In subsection (15), for paragraphs (a) and (b) substitute—
- “(a) on bail, if the pre-conditions for bail are satisfied, or
  - (b) without bail, if those pre-conditions are not satisfied.”
- (3) In subsection (18), for paragraphs (a) and (b) substitute—
- “(a) on bail, if the pre-conditions for bail are satisfied, or
  - (b) without bail, if those pre-conditions are not satisfied.”

#### Commencement Information

- I19** Sch. 4 para. 10 not in force at Royal Assent, see [s. 208\(1\)](#)
- I20** Sch. 4 para. 10 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

- 11 In section 44(7) (release following extension of warrants of further detention), for paragraphs (a) and (b) substitute—
- “(a) on bail, if the pre-conditions for bail are satisfied, or
  - (b) without bail, if those pre-conditions are not satisfied.”

#### Commencement Information

- I21** Sch. 4 para. 11 not in force at Royal Assent, see [s. 208\(1\)](#)
- I22** Sch. 4 para. 11 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

- 12 (1) Section 47ZC (applicable bail period: conditions A to D) is amended as follows.
- (2) In subsection (3)(a), for “section 37(7)(c)” substitute “section 37(7)(b)”.
- (3) In subsection (4)(a), for “section 37(7)(c)” substitute “section 37(7)(b)”.

#### Commencement Information

- I23** Sch. 4 para. 12 not in force at Royal Assent, see [s. 208\(1\)](#)
- I24** Sch. 4 para. 12 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

- 13 In section 50A (interpretation of references to pre-conditions for bail), for paragraph (b) substitute—
- “(b) that the custody officer has considered any representations made by the person or the person’s legal representative.”

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### Commencement Information

- I25** Sch. 4 para. 13 not in force at Royal Assent, see **s. 208(1)**  
**I26** Sch. 4 para. 13 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**

### Commencement Information

- I1** Sch. 4 para. 1 not in force at Royal Assent, see **s. 208(1)**  
**I2** Sch. 4 para. 1 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**  
**I3** Sch. 4 para. 2 not in force at Royal Assent, see **s. 208(1)**  
**I4** Sch. 4 para. 2 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**  
**I5** Sch. 4 para. 3 not in force at Royal Assent, see **s. 208(1)**  
**I6** Sch. 4 para. 3 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**  
**I7** Sch. 4 para. 4 not in force at Royal Assent, see **s. 208(1)**  
**I8** Sch. 4 para. 4 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**  
**I9** Sch. 4 para. 5 not in force at Royal Assent, see **s. 208(1)**  
**I10** Sch. 4 para. 5 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**  
**I11** Sch. 4 para. 6 not in force at Royal Assent, see **s. 208(1)**  
**I12** Sch. 4 para. 6 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**  
**I13** Sch. 4 para. 7 not in force at Royal Assent, see **s. 208(1)**  
**I14** Sch. 4 para. 7 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**  
**I15** Sch. 4 para. 8 not in force at Royal Assent, see **s. 208(1)**  
**I16** Sch. 4 para. 8 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**  
**I17** Sch. 4 para. 9 not in force at Royal Assent, see **s. 208(1)**  
**I18** Sch. 4 para. 9 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**  
**I19** Sch. 4 para. 10 not in force at Royal Assent, see **s. 208(1)**  
**I20** Sch. 4 para. 10 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**  
**I21** Sch. 4 para. 11 not in force at Royal Assent, see **s. 208(1)**  
**I22** Sch. 4 para. 11 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**  
**I23** Sch. 4 para. 12 not in force at Royal Assent, see **s. 208(1)**  
**I24** Sch. 4 para. 12 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**  
**I25** Sch. 4 para. 13 not in force at Royal Assent, see **s. 208(1)**  
**I26** Sch. 4 para. 13 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**

### Amendments to the Criminal Justice Act 2003 (c. 44)

- 14 The Criminal Justice Act 2003 is amended as follows.

### Commencement Information

- I27** Sch. 4 para. 14 not in force at Royal Assent, see **s. 208(1)**  
**I28** Sch. 4 para. 14 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**

- 15 (1) Section 24A (arrest for failure to comply with conditions attached to conditional caution) is amended as follows.
- (2) In subsection (2), for paragraphs (b) and (c) substitute—
- “(b) released without charge and on bail if—
- (i) the release is to enable a decision to be made as to whether the person should be charged with the offence, and

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- (ii) the pre-conditions for bail are satisfied, or
- (c) released without charge and without bail (with or without any variation in the conditions attached to the caution) if paragraph (b) does not apply.”

(3) In subsection (3)(a), for “subsection (2)(c)” substitute “subsection (2)(b)”.

(4) In subsection (4), for “subsection (2)(c)” substitute “subsection (2)(b)”.

#### Commencement Information

- I29** Sch. 4 para. 15 not in force at Royal Assent, see [s. 208\(1\)](#)
- I30** [Sch. 4 para. 15](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

6 In section 24B(5) (application of PACE provisions), for “section 24A(2)(c)” substitute “section 24A(2)(b)”.

#### Commencement Information

- I31** Sch. 4 para. 16 not in force at Royal Assent, see [s. 208\(1\)](#)
- I32** [Sch. 4 para. 16](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

#### Commencement Information

- I27** Sch. 4 para. 14 not in force at Royal Assent, see [s. 208\(1\)](#)
- I28** [Sch. 4 para. 14](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)
- I29** Sch. 4 para. 15 not in force at Royal Assent, see [s. 208\(1\)](#)
- I30** [Sch. 4 para. 15](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)
- I31** Sch. 4 para. 16 not in force at Royal Assent, see [s. 208\(1\)](#)
- I32** [Sch. 4 para. 16](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

## PART 2

### FACTORS TO BE TAKEN INTO ACCOUNT IN DECIDING WHETHER TO GRANT PRE-CHARGE BAIL

17 In section 30A of the Police and Criminal Evidence Act 1984 (release of person arrested elsewhere than at police station), after subsection (1A) insert—

“(1B) In determining whether releasing the person on bail is necessary and proportionate in all the circumstances, the constable must have regard in particular to—

- (a) the need to secure that the person surrenders to custody,
- (b) the need to prevent offending by the person,
- (c) the need to safeguard victims of crime and witnesses, taking into account any vulnerabilities of any alleged victim of, or alleged witness to, the offence for which the person was arrested where these vulnerabilities have been identified by the constable,
- (d) the need to safeguard the person, taking into account any vulnerabilities of the person where these vulnerabilities have been identified by the constable, and

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(e) the need to manage risks to the public.”

#### Commencement Information

**I33** Sch. 4 para. 17 not in force at Royal Assent, see [s. 208\(1\)](#)

**I34** Sch. 4 para. 17 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

18 (1) Section 50A of the Police and Criminal Evidence Act 1984 (interpretation of references to pre-conditions for bail) is amended as follows.

(2) The existing text becomes subsection (1).

(3) After that subsection insert—

“(2) In determining whether releasing the person on bail is necessary and proportionate in all the circumstances, the custody officer must have regard in particular to—

- (a) the need to secure that the person surrenders to custody,
- (b) the need to prevent offending by the person,
- (c) the need to safeguard victims of crime and witnesses, taking into account any vulnerabilities of any alleged victim of, or alleged witness to, the offence for which the person was arrested where these vulnerabilities have been identified by the custody officer,
- (d) the need to safeguard the person, taking into account any vulnerabilities of the person where these vulnerabilities have been identified by the custody officer, and
- (e) the need to manage risks to the public.”

#### Commencement Information

**I35** Sch. 4 para. 18 not in force at Royal Assent, see [s. 208\(1\)](#)

**I36** Sch. 4 para. 18 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

## PART 3

### DUTY TO SEEK VIEWS OF ALLEGED VICTIMS

#### *Amendments to the Bail Act 1976 (c. 63)*

19 In section 3A of the Bail Act 1976 (conditions of bail in case of police bail), after subsection (6) insert—

“(7) For further provision about the grant of bail by a custody officer under Part 4 of the Police and Criminal Evidence Act 1984 or the variation by a custody officer of the conditions of bail granted under that Part, see section 47ZZA of that Act.”

#### Commencement Information

**I37** Sch. 4 para. 19 not in force at Royal Assent, see [s. 208\(1\)](#)

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**I38** Sch. 4 para. 19 in force at 28.10.2022 by S.I. 2022/1075, reg. 4(b)

*Amendments to the Police and Criminal Evidence Act 1984 (c. 60)*

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

**Commencement Information**

**I39** Sch. 4 para. 20 not in force at Royal Assent, see s. 208(1)

**I40** Sch. 4 para. 20 in force at 28.10.2022 by S.I. 2022/1075, reg. 4(b)

21 (1) Section 30CA (bail under section 30A: variation of conditions by police) is amended as follows.

(2) After subsection (4) insert—

“(4A) If it is reasonably practicable to do so, the investigating officer must seek the views of the alleged victim (if any) of the relevant offence on—

- (a) whether any of the conditions that are relevant conditions should be varied under subsection (1), and
- (b) if so, what variations should be made to those conditions.

(4B) The investigating officer must inform the relevant officer of any views obtained under subsection (4A).

(4C) If any of the conditions which are relevant conditions are varied under subsection (1), the investigating officer must, if it is reasonably practicable to do so, notify the alleged victim of the variations.

(4D) If the alleged victim of the relevant offence appears to the investigating officer to be vulnerable, subsections (4A) and (4C) apply as if references to the alleged victim of the offence were to a person appearing to the officer to represent the alleged victim.”

(3) For subsection (5) substitute—

“(5) In this section—

“investigating officer”, in relation to the relevant offence, means the constable or other person in charge of the investigation of the offence;

“relevant condition”, in relation to the relevant offence and an alleged victim of that offence, means a condition that relates to the safeguarding of the alleged victim;

“relevant offence” means the offence for which the person making the request under subsection (1) was under arrest when granted bail under section 30A(1);

“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 who is not involved in the investigation of the relevant offence, if such a constable is readily available, and
- (b) if no such constable is readily available—



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- (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.
- (6) For the purposes of this section a person (“P”) is an alleged victim of an offence if—
- (a) an allegation has been made to a constable or other person involved in the investigation of the offence that P has suffered physical, mental or emotional harm, or economic loss, which was directly caused by the offence, and
  - (b) P is an individual.
- (7) For the purposes of this section an alleged victim of an offence is vulnerable if the alleged victim—
- (a) was aged under 18 at the time of the offence, or
  - (b) may have difficulty understanding a communication from an investigating officer under this section, or communicating effectively in response to it, by reason of—
    - (i) a physical disability or disorder,
    - (ii) a mental disorder within the meaning of the Mental Health Act 1983, or
    - (iii) a significant impairment of intelligence and social functioning.”

#### Commencement Information

**I41** Sch. 4 para. 21 not in force at Royal Assent, see **s. 208(1)**

**I42** Sch. 4 para. 21 in force at 28.10.2022 by **S.I. 2022/1075, reg. 4(b)**

22 After section 47 insert—

#### “47ZZA Duty to seek views of alleged victims on conditions of pre-charge bail

- (1) Subsections (2) to (5) apply if—
- (a) a person has been arrested for an offence, and
  - (b) a custody officer proposes to release the person on bail under this Part (except section 37C(2)(b) or 37CA(2)(b)).
- (2) If it is reasonably practicable to do so, the investigating officer must seek the views of the alleged victim (if any) of the offence on—
- (a) whether relevant conditions should be imposed on the person’s bail, and
  - (b) if so, what relevant conditions should be imposed.
- (3) In this section “relevant condition”, in relation to an offence and an alleged victim of that offence, means a condition that relates to the safeguarding of the alleged victim.
- (4) The investigating officer must inform the custody officer of any views obtained under subsection (2).

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- (5) If the person is granted bail subject to relevant conditions, the investigating officer must, if it is reasonably practicable to do so, notify the alleged victim of the offence of those conditions.
- (6) If the alleged victim of the offence appears to the investigating officer to be vulnerable, subsections (2) and (5) apply as if references to the alleged victim of the offence were to a person appearing to the officer to represent the alleged victim.
- (7) Subsections (8) to (11) apply if—
  - (a) a person has been arrested for an offence,
  - (b) the person has been released on bail under this Part subject to conditions, and
  - (c) the person requests a custody officer to vary the conditions under section 3A(8) of the Bail Act 1976.
- (8) If it is reasonably practicable to do so, the investigating officer must seek the views of the alleged victim (if any) of the offence on—
  - (a) whether any of the conditions that are relevant conditions should be varied, and
  - (b) if so, what variations should be made to those conditions.
- (9) The investigating officer must inform the custody officer of any views obtained under subsection (8).
- (10) If any of the conditions which are relevant conditions are varied, the investigating officer must, if it is reasonably practicable to do so, notify the alleged victim of the variations.
- (11) If the alleged victim of the offence appears to the investigating officer to be vulnerable, subsections (8) and (10) apply as if references to the alleged victim of the offence were to a person appearing to the officer to represent the alleged victim.
- (12) In this section “investigating officer”, in relation to an offence, means the constable or other person in charge of the investigation of the offence.
- (13) For the purposes of this section a person (“P”) is an alleged victim of an offence if—
  - (a) an allegation has been made to a constable or other person involved in the investigation of the offence that P has suffered physical, mental or emotional harm, or economic loss, which was directly caused by the offence, and
  - (b) P is an individual.
- (14) For the purposes of this section an alleged victim of an offence is vulnerable if the alleged victim—
  - (a) was aged under 18 at the time of the offence, or
  - (b) may have difficulty understanding a communication from an investigating officer under this section, or communicating effectively in response to it, by reason of—
    - (i) a physical disability or disorder,

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- (ii) a mental disorder within the meaning of the Mental Health Act 1983, or
- (iii) a significant impairment of intelligence and social functioning.”

#### Commencement Information

- I43 Sch. 4 para. 22 not in force at Royal Assent, see [s. 208\(1\)](#)
- I44 Sch. 4 para. 22 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

#### Commencement Information

- I39 Sch. 4 para. 20 not in force at Royal Assent, see [s. 208\(1\)](#)
- I40 Sch. 4 para. 20 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)
- I41 Sch. 4 para. 21 not in force at Royal Assent, see [s. 208\(1\)](#)
- I42 Sch. 4 para. 21 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)
- I43 Sch. 4 para. 22 not in force at Royal Assent, see [s. 208\(1\)](#)
- I44 Sch. 4 para. 22 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

#### Amendments to the Criminal Justice Act 2003 (c. 44)

- 23 In section 24B(3) of the Criminal Justice Act 2003 (arrest for failure to comply with conditions of conditional caution: application of PACE provisions)—
- (a) before paragraph (a) insert—
    - “(za) in section 30CA, omit subsections (4A) to (4D)”, and
  - (b) in paragraph (a), for the words from “in section 30CA(5)(a)” to “provision” substitute “in section 30CA(5), in paragraph (a) of the definition of “relevant officer”, for the reference to being involved in the investigation of the relevant offence”.

#### Commencement Information

- I45 Sch. 4 para. 23 not in force at Royal Assent, see [s. 208\(1\)](#)
- I46 Sch. 4 para. 23 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

## PART 4

### LIMITS ON PERIOD OF BAIL WITHOUT CHARGE

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

#### Commencement Information

- I47 Sch. 4 para. 24 not in force at Royal Assent, see [s. 208\(1\)](#)
- I48 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”.

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#### Commencement Information

**I49** Sch. 4 para. 25 not in force at Royal Assent, see [s. 208\(1\)](#)

**I50** 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
- (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

**I51** Sch. 4 para. 26 not in force at Royal Assent, see [s. 208\(1\)](#)

**I52** 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;

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- (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**

**I53** Sch. 4 para. 27 not in force at Royal Assent, see **s. 208(1)**

**I54** 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.”

**Commencement Information**

**I55** Sch. 4 para. 28 not in force at Royal Assent, see **s. 208(1)**

**I56** 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.

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- (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.
- (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**

**I57** Sch. 4 para. 29 not in force at Royal Assent, see [s. 208\(1\)](#)

**I58** Sch. 4 para. 29 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

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- 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.

#### Commencement Information

**I59** Sch. 4 para. 30 not in force at Royal Assent, see **s. 208(1)**

**I60** 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)—

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- (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

**I61** Sch. 4 para. 31 not in force at Royal Assent, see [s. 208\(1\)](#)

**I62** 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

**I63** Sch. 4 para. 32 not in force at Royal Assent, see [s. 208\(1\)](#)

**I64** 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

**I65** Sch. 4 para. 33 not in force at Royal Assent, see [s. 208\(1\)](#)

**I66** Sch. 4 para. 33 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

## PART 5

### POLICE DETENTION AFTER ARREST FOR BREACH OF PRE-CHARGE BAIL ETC

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

#### Commencement Information

**I67** Sch. 4 para. 34 not in force at Royal Assent, see [s. 208\(1\)](#)

**I68** Sch. 4 para. 34 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

35 In section 41 (limits on period of detention without charge), after subsection (12) insert—



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“(13) Section 47(6) and (6A) makes further provision about the calculation of a period of police detention for the purposes of this Part.”

#### Commencement Information

**I69** Sch. 4 para. 35 not in force at Royal Assent, see [s. 208\(1\)](#)

**I70** Sch. 4 para. 35 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

36 In section 47 (bail after arrest), after subsection (6) insert—

“(6A) Where a person has been arrested under section 46A above (other than in a case within subsection (1ZA) or (1ZB) of that section) the period of 3 hours beginning with the time at which the person arrives at a police station following the arrest is not to be included as part of any period of police detention which falls to be calculated in relation to the person under this Part of this Act.”

#### Commencement Information

**I71** Sch. 4 para. 36 not in force at Royal Assent, see [s. 208\(1\)](#)

**I72** Sch. 4 para. 36 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

## PART 6

### GUIDANCE ON PRE-CHARGE BAIL

37 In the Police and Criminal Evidence Act 1984, after section 50A insert—

#### “50B Guidance from the College of Policing on pre-charge bail

- (1) The College of Policing may, with the approval of the Secretary of State, issue guidance on bail that is granted to a person under Part 3 or this Part (“pre-charge bail”).
- (2) Guidance on pre-charge bail may in particular cover—
  - (a) the exercise of powers to release a person on pre-charge bail;
  - (b) the exercise of powers to impose or vary conditions of pre-charge bail;
  - (c) the exercise of powers to arrest a person—
    - (i) for failing to answer pre-charge bail, or
    - (ii) for breaching any conditions of pre-charge bail;
  - (d) the exercise of powers to extend the period of pre-charge bail;
  - (e) the duty to seek the views of alleged victims about conditions of pre-charge bail.
- (3) The College of Policing may, with the approval of the Secretary of State, from time to time revise the whole or any part of its guidance on pre-charge bail.
- (4) Before issuing or revising guidance on pre-charge bail, the College of Policing must consult—

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- (a) the National Police Chiefs' Council,
  - (b) such persons as appear to the College to represent the views of local policing bodies, and
  - (c) such other persons as the College thinks fit.
- (5) The Secretary of State must lay before Parliament any guidance on pre-charge bail issued by the College of Policing, and any revision of such guidance.
- (6) The Secretary of State is not required by subsection (5) to lay before Parliament, or may exclude from what is laid, anything the publication of which, in the opinion of the Secretary of State—
- (a) could prejudice the prevention or detection of crime or the apprehension or prosecution of offenders, or
  - (b) could jeopardise the safety of any person.
- (7) A person who exercises functions relating to pre-charge bail must have regard to the guidance.
- (8) But subsection (7) does not apply to—
- (a) a member of the Serious Fraud Office,
  - (b) a member of staff of the Financial Conduct Authority,
  - (c) an officer of Revenue and Customs, or
  - (d) a National Crime Agency officer.
- (9) A failure on the part of a person to whom subsection (7) applies to comply with the guidance does not of itself render the person liable to any criminal or civil proceedings.
- (10) But guidance on pre-charge bail is admissible in evidence in criminal or civil proceedings and a court may take into account a failure to comply with it in determining a question in the proceedings.”

#### **Commencement Information**

**I73** Sch. 4 para. 37 not in force at Royal Assent, see **s. 208(1)**

**I74** Sch. 4 para. 37 in force at 26.10.2022 by S.I. 2022/1075, **reg. 3(e)**

**Changes to legislation:**

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

- Sch. 4 para. 14-16 omitted by [2022 c. 32 Sch. 11 para. 38\(1\)\(g\)](#)
- Sch. 4 para. 23 omitted by [2022 c. 32 Sch. 11 para. 38\(1\)\(g\)](#)