

SCHEDULES

SCHEDULE 4

PRE-CHARGE BAIL

PART 3

DUTY TO SEEK VIEWS OF ALLEGED VICTIMS

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

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);

Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Paragraph 21. (See end of Document for details)

“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—
 - (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

- I1** Sch. 4 para. 21 not in force at Royal Assent, see [s. 208\(1\)](#)
- I2** [Sch. 4 para. 21](#) 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, Paragraph 21.