

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)

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).
- (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

Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Paragraph 22. (See end of Document for details)

- (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,
 - (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. 22 not in force at Royal Assent, see [s. 208\(1\)](#)
- I2** [Sch. 4 para. 22](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

Changes to legislation:

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