

## SCHEDULES

### SCHEDULE 4

#### PRE-CHARGE BAIL

#### PART 1

##### GRANT OF PRE-CHARGE BAIL

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

- 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—
- (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)”.

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**Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Paragraph 5. (See end of Document for details)

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#### Commencement Information

- I1** Sch. 4 para. 5 not in force at Royal Assent, see [s. 208\(1\)](#)
- I2** [Sch. 4 para. 5](#) 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 5.