

SCHEDULES

SCHEDULE 4

PRE-CHARGE BAIL

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.”

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

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

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“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—
 - (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.”

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)).

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- (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
 - (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,

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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.”

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”.