



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART II

BAIL

27 Power for police to grant conditional bail to persons charged

(1) Part IV of the Police and Criminal Evidence Act 1984 (detention of persons, including powers of police to grant bail) shall have effect with the following amendments, that is to say, in section 47 (bail after arrest)—

- (a) in subsection (1), for the words after “in accordance with” there shall be substituted the words “sections 3, 3A, 5 and 5A of the Bail Act 1976 as they apply to bail granted by a constable”; and
- (b) after subsection (1) there shall be inserted the following subsection—

“(1A) The normal powers to impose conditions of bail shall be available to him where a custody officer releases a person on bail under section 38(1) above (including that subsection as applied by section 40(10) above) but not in any other cases.

In this subsection, “the normal powers to impose conditions of bail” has the meaning given in section 3(6) of the Bail Act 1976.”

(2) Section 3 of the Bail Act 1976 (incidents including conditions of bail in criminal proceedings) shall be amended as follows—

- (a) in subsection (6), the words “(but only by a court)” shall be omitted;
- (b) at the end of subsection (6) there shall be inserted—

“and, in any Act, “the normal powers to impose conditions of bail” means the powers to impose conditions under paragraph (a), (b) or (c) above”;

- (c) after subsection (9), there shall be inserted the following subsection—

Status: This is the original version (as it was originally enacted).

“(10) This section is subject, in its application to bail granted by a constable, to section 3A of this Act.”.

(3) After section 3 of the Bail Act 1976 there shall be inserted the following section—

“3A Conditions of bail in case of police bail

(1) Section 3 of this Act applies, in relation to bail granted by a custody officer under Part IV of the Police and Criminal Evidence Act 1984 in cases where the normal powers to impose conditions of bail are available to him, subject to the following modifications.

(2) Subsection (6) does not authorise the imposition of a requirement to reside in a bail hostel or any requirement under paragraph (d).

(3) Subsections (6ZA), (6A) and (6B) shall be omitted.

(4) For subsection (8), substitute the following—

“(8) Where a custody officer has granted bail in criminal proceedings he or another custody officer serving at the same police station may, at the request of the person to whom it was granted, vary the conditions of bail; and in doing so he may impose conditions or more onerous conditions.”.

(5) Where a constable grants bail to a person no conditions shall be imposed under subsections (4), (5), (6) or (7) of section 3 of this Act unless it appears to the constable that it is necessary to do so for the purpose of preventing that person from—

(a) failing to surrender to custody, or

(b) committing an offence while on bail, or

(c) interfering with witnesses or otherwise obstructing the course of justice, whether in relation to himself or any other person.

(6) Subsection (5) above also applies on any request to a custody officer under subsection (8) of section 3 of this Act to vary the conditions of bail.”.

(4) The further amendments contained in Schedule 3 to this Act shall have effect.