

SCHEDULES

SCHEDULE 6

POLICE BAIL

PART 3

POLICE BAIL GRANTED AT POLICE STATION BEFORE CHARGE

Power to impose conditions on bail granted under section 37(2) or (7)(b)

- 6 In section 47(1A) (where person released on bail under Part 4, normal powers to impose conditions of bail are available only where release is under section 37(7)(a) or 38(1)), for “37(7)(a)” there is substituted “37”.

Power of arrest for breach of conditions of bail granted under section 37(2) or (7)(b)

- 7 In section 46A(1A) (person released on bail under section 37(7)(a) or 37C(2)(b) may be arrested without warrant if suspected of breaking conditions of bail), for “37(7)(a) or 37C(2)(b)” there is substituted “37, 37C(2)(b) or 37CA(2)(b)”.

Dealing with person arrested for breach of conditions of bail granted under section 37(7)(b)

- 8 (1) After section 37C there is inserted—

“37CA Breach of bail following release under section 37(7)(b)

- (1) This section applies where a person released on bail under section 37(7)(b) above or subsection (2)(b) below—
- (a) is arrested under section 46A below in respect of that bail, and
 - (b) is being detained following that arrest at the police station mentioned in section 46A(2) below.
- (2) The person arrested—
- (a) shall be charged, or
 - (b) shall be released without charge, either on bail or without bail.
- (3) The decision as to how a person is to be dealt with under subsection (2) above shall be that of a custody officer.
- (4) A person released on bail under subsection (2)(b) above shall be released on bail subject to the same conditions (if any) which applied immediately before his arrest.”
- (2) In section 37A(1)(a) and (3) (guidance as to exercise of functions under sections 37(7) and 37C(2)), after “37C(2)” there is inserted “or 37CA(2)”.

Time for person to answer bail granted under section 37(2) or (7)(b) or 37CA(2)(b)

- 9 (1) In section 37D(1) (release on bail under section 37(7)(a) or 37C(2)(b): appointment of different or additional time to answer bail), for “37(7)(a) or section 37C(2)(b)” there is substituted “37, 37C(2)(b) or 37CA(2)(b)”.
- (2) In the heading to section 37D, for “**under section 37(7)(a)**” there is substituted “**on bail under section 37**”.

Dealing with person released on bail under section 37(7)(b) or 37CA(2)(b)

- 10 (1) Section 37D (release under section 37(7)(a): further provision) is amended as follows.
- (2) For subsection (5) (person not fit to be dealt with as mentioned in subsection (4) to be detained until fit) there is substituted—
- “(4A) Where a person released on bail under section 37(7)(b) or 37CA(2)(b) above returns to a police station to answer bail or is otherwise in police detention at a police station, he may be kept in police detention to enable him to be dealt with in accordance with section 37CA above or to enable the power under subsection (1) above to be exercised.
- (5) If the person mentioned in subsection (4) or (4A) above is not in a fit state to enable him to be dealt with as mentioned in that subsection or to enable the power under subsection (1) above to be exercised, he may be kept in police detention until he is.”
- (3) In subsection (6) (application of section 37 where person detained under section 37D) —
- (a) after “subsection (4)” there is inserted “, (4A)”;
- (b) for “37(7)(a) or 37C(2)(b)” there is substituted “37(7), 37C(2)(b) or 37CA(2)(b)”.

Applications to court where person released on bail under section 37(2) or (7)(b) or 37CA(2)(b)

- 11 In section 47(1B) and (1C) (applications to court where person on bail under section 37(7)(a) or 37C(2)(b)), for “37(7)(a) or 37C(2)(b)” there is substituted “37, 37C(2)(b) or 37CA(2)(b)”.