Policing and Crime Act 2017

2017 CHAPTER 3

PART 4

POLICE POWERS

CHAPTER 1

PRE-CHARGE BAIL

Release without bail or on bail

54 Release from detention at a police station

(1) Section 34 of the Police and Criminal Evidence Act 1984 (limitations on police detention) is amended as follows.

(2) In subsection (5) for the words from "without" to the end substitute "—

   (a) without bail unless subsection (5A) applies, or
   (b) on bail if subsection (5A) applies."

(3) After subsection (5) insert—

   "(5A) This subsection applies if—

   (a) it appears to the custody officer—

      (i) that there is need for further investigation of any matter in connection with which the person was detained at any time during the period of the person's detention, or

      (ii) that, in respect of any such matter, proceedings may be taken against the person or the person may be given a youth caution under section 66ZA of the Crime and Disorder Act 1998, and

   (b) the pre-conditions for bail are satisfied."

2

Policing and Crime Act 2017 (c. 3)
Part 4 – Police powers
CHAPTER 1 – Pre-charge bail
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(4) Section 37 of the Police and Criminal Evidence Act 1984 (duties of custody officer before charge) is amended as follows.

(5) In subsection (2) for the words from "either" to the end substitute "—
    (a)   without bail unless the pre-conditions for bail are satisfied, or
    (b)   on bail if those pre-conditions are satisfied,

(subject to subsection (3))".

(6) In subsection (3) for "so believing" substitute "believing that the person's detention without being charged is necessary to secure or preserve evidence relating to an offence for which the person is under arrest or to obtain such evidence by questioning the person".

(7) In subsection (7) for paragraphs (b) and (c) substitute—
    "(b)   shall be released without charge and without bail unless the pre-conditions for bail are satisfied,
    (c)   shall be released without charge and on bail if those pre-conditions are satisfied but not for the purpose mentioned in paragraph (a), or".

(8) In subsection (8A)(b) for "(b)" substitute "(c)".