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*Status: Point in time view as at 26/10/2022. This version of this provision has been superseded.*

*Changes to legislation: Police, Crime, Sentencing and Courts Act 2022, Paragraph 5 is up to date with all changes known to be in force on or before 17 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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## 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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#### **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\(b\)](#)

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