

## SCHEDULES

### SCHEDULE 4

#### PRE-CHARGE BAIL

#### PART 6

##### GUIDANCE ON PRE-CHARGE BAIL

37 In the Police and Criminal Evidence Act 1984, after section 50A insert—

**“50B Guidance from the College of Policing on pre-charge bail**

- (1) The College of Policing may, with the approval of the Secretary of State, issue guidance on bail that is granted to a person under Part 3 or this Part (“pre-charge bail”).
- (2) Guidance on pre-charge bail may in particular cover—
  - (a) the exercise of powers to release a person on pre-charge bail;
  - (b) the exercise of powers to impose or vary conditions of pre-charge bail;
  - (c) the exercise of powers to arrest a person—
    - (i) for failing to answer pre-charge bail, or
    - (ii) for breaching any conditions of pre-charge bail;
  - (d) the exercise of powers to extend the period of pre-charge bail;
  - (e) the duty to seek the views of alleged victims about conditions of pre-charge bail.
- (3) The College of Policing may, with the approval of the Secretary of State, from time to time revise the whole or any part of its guidance on pre-charge bail.
- (4) Before issuing or revising guidance on pre-charge bail, the College of Policing must consult—
  - (a) the National Police Chiefs’ Council,
  - (b) such persons as appear to the College to represent the views of local policing bodies, and
  - (c) such other persons as the College thinks fit.
- (5) The Secretary of State must lay before Parliament any guidance on pre-charge bail issued by the College of Policing, and any revision of such guidance.
- (6) The Secretary of State is not required by subsection (5) to lay before Parliament, or may exclude from what is laid, anything the publication of which, in the opinion of the Secretary of State—

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*Status: This is the original version (as it was originally enacted).*

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- (a) could prejudice the prevention or detection of crime or the apprehension or prosecution of offenders, or
  - (b) could jeopardise the safety of any person.
- (7) A person who exercises functions relating to pre-charge bail must have regard to the guidance.
- (8) But subsection (7) does not apply to—
  - (a) a member of the Serious Fraud Office,
  - (b) a member of staff of the Financial Conduct Authority,
  - (c) an officer of Revenue and Customs, or
  - (d) a National Crime Agency officer.
- (9) A failure on the part of a person to whom subsection (7) applies to comply with the guidance does not of itself render the person liable to any criminal or civil proceedings.
- (10) But guidance on pre-charge bail is admissible in evidence in criminal or civil proceedings and a court may take into account a failure to comply with it in determining a question in the proceedings.”