

## SCHEDULES

### SCHEDULE 4

#### PRE-CHARGE BAIL

#### PART 2

##### FACTORS TO BE TAKEN INTO ACCOUNT IN DECIDING WHETHER TO GRANT PRE-CHARGE BAIL

17 In section 30A of the Police and Criminal Evidence Act 1984 (release of person arrested elsewhere than at police station), after subsection (1A) insert—

“(1B) In determining whether releasing the person on bail is necessary and proportionate in all the circumstances, the constable must have regard in particular to—

- (a) the need to secure that the person surrenders to custody,
- (b) the need to prevent offending by the person,
- (c) the need to safeguard victims of crime and witnesses, taking into account any vulnerabilities of any alleged victim of, or alleged witness to, the offence for which the person was arrested where these vulnerabilities have been identified by the constable,
- (d) the need to safeguard the person, taking into account any vulnerabilities of the person where these vulnerabilities have been identified by the constable, and
- (e) the need to manage risks to the public.”

##### Commencement Information

**I1** Sch. 4 para. 17 not in force at Royal Assent, see [s. 208\(1\)](#)

**I2** [Sch. 4 para. 17](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

18 (1) Section 50A of the Police and Criminal Evidence Act 1984 (interpretation of references to pre-conditions for bail) is amended as follows.

(2) The existing text becomes subsection (1).

(3) After that subsection insert—

“(2) In determining whether releasing the person on bail is necessary and proportionate in all the circumstances, the custody officer must have regard in particular to—

- (a) the need to secure that the person surrenders to custody,
- (b) the need to prevent offending by the person,
- (c) the need to safeguard victims of crime and witnesses, taking into account any vulnerabilities of any alleged victim of, or alleged

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*Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, PART 2. (See end of Document for details)*

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- witness to, the offence for which the person was arrested where these vulnerabilities have been identified by the custody officer,
- (d) the need to safeguard the person, taking into account any vulnerabilities of the person where these vulnerabilities have been identified by the custody officer, and
  - (e) the need to manage risks to the public.”

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**Commencement Information**

**I3** Sch. 4 para. 18 not in force at Royal Assent, see [s. 208\(1\)](#)

**I4** [Sch. 4 para. 18](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, PART 2.