

# **Police and Crime Act 2017**

**Police Station Training - Jennifer Siddorn**

# Purpose of the Legislation

## Aim

- To make provision about the system for bail after arrest but before charge
- Royal Assent 31 January 2017
- Expected to come into force in April 2017
- Amends and additions to PACE 1984

## Why?

- Public outcry over the length suspects were spending on police bail
- Certainly for suspects and victims

## Considerations

- Ticking time bomb?

# Presumptions - s.34

Following tradition .....

- Released without charge
- Released without bail

# Test to put a suspect on police bail – s.34

## If:

- There is a need for further investigation of any matter in connection with which the person was detained at any time during the period of detention
- For any such matter proceedings may be taken against suspect

AND

- The pre-conditions are met

## Pre-Conditions

- Releasing suspect on bail is necessary and proportionate in all the circumstances having regard in particular to any conditions which would be imposed

AND

- Inspector authorises having considered representations

# Terminology

Once on police bail there are new time limits. Legislation has created new terms to deal with time limit, start date and end date.

- ABP - Applicable Bail Period

The time limit that applies

- BSD – Bail Start Date

The day after the day on which the person was arrested for the relevant offence

- BED – Bail End Date

The last day of the period of 28 days beginning with the day after the day on which the suspect was arrested

# Applicable Bail Period – s.47ZB / s.47ZD Financial Conduct Authority / Normal Crime

## ABP

- Initial period 28 days beginning with suspects BSD
- Can extend ABP so that it ends at the end of the period of 3 months beginning with suspects BSD

## Extend

- Senior Officer
- Prior to initial ABP ending
- All conditions to extend are met
- Legal rep must be informed
- Representations considered
- Informed of the outcome

# Conditions to Extend ABP – S.47ZC

## Condition A)

Reasonable grounds for suspecting person guilty

## Condition B)

Reasonable grounds for believing further time is needed for a decision on charge or further investigation is needed

## Condition C)

Reasonable grounds for believing that the decision to charge / investigation has been conducted diligently and expeditiously

## Condition D)

Reasonable grounds for believing that release on bail necessary and proportionate (conditions)

# Applicable Bail Period - Serious Fraud Office / Designated Case s.47ZE

## ABP

- Period 3 months beginning with the suspects BSD
- Can extend ABP so that it ends at the end of the period of 6 months beginning with BSD

## Extend

- Appropriate decision maker
- Prior to current ABP ending
- All conditions to extend are met
- The case is an exceptionally complex “designated case”
- Legal rep must be informed
- Representations considered
- Informed of outcome



# First Court Extension – S.47ZF

- Before ABP ends  
(3 or 6 month month ABP)
- Qualifying applicant
- Can apply to a Magistrates' Court to extend ABP

## Case not fall within subsection 7

- Conditions B to D met
- At court on current 3 month ABP  
ABP to end 6 months after  
BSD
- At court on current 6 month ABP  
“designated case”  
ABP to end 9 months after  
BSD

# First Court Extension Continued

## Case falls within subsection 7

- Conditions B to D met
- Case falls within subsection 7

If the nature of the decision or further investigations mentioned in condition B means that the decision is unlikely to be made or investigations completed if ABP is not extended as s.(6)

- At court on current 3 month ABP  
ABP to end 9 months after  
BSD
- At court on current 6 month ABP  
“designated case”  
ABP to end 12 months after  
BSD

# Subsequent Court Extensions – s.47ZG

## Further extension

- Applies when a Court has already extended
- Must be done before current ABP ends

## Case not fall within subsection 8

- Conditions B to D met
- The ABP is to end at the end of the period of 3 months beginning with the end of the current ABP

# Subsequent Court Extensions Continued

## Case falls within subsection 8

- Conditions B to D met
- Case falls within subsection 8

If the nature of the decision or further investigations mentioned in condition B means that the decision is unlikely to be made or investigations completed if ABP is not extended as s.(6)

- The ABP is to end at the end of the period of 6 months beginning with the end of the current ABP

## Further Extensions

- Qualifying applicant can make further extensions under 47ZG

# When application before the Court is due to be determined after BED – s.47ZJ

- BED can be extended until the Court has determined the application
- Can therefore refuse to extend BED and refuse to hear the application
- Unless it appears reasonable for the application to have been made in time for it to have been determined by the court before the BED

# Withholding Sensitive Information – s.47ZH

- Qualifying applicant
- Apply to the court to authorise specified information is withheld

## Test

- Reasonable grounds to believe information is sensitive
- Information is sensitive if would result in:-

a) Evidence connected with an indictable offence will be interfered with or harmed

b) Person interfered with or injured

c) Person suspected committing indictable offence not yet arrested would be alerted

d) Recovery of property for indictable offence hindered

# Exclusion of Suspect / Legal Rep – s.47ZI

## Exclusion

- Justice may direct suspect / legal representative to be excluded from any part of the hearing

## Test

- Reasonable grounds believing that sensitive information would be disclosed

# Practical Considerations

## Clock

- Clock suspends when the case is sent to the CPS
- When the case is handed back, police get automatic 7 days if clock is lower

## Vary BTR dates

- Can give BTR date prior to BED

## No obligation – not retrospective

- Suspect is not required to attend a police station at a time after the BED

## Notice decision not to prosecute

- Not sufficient evidence / is
- Only prosecuted if new evidence comes to light



# Is the legislation a ticking time bomb?

Will it help clients to have certainty?

- Not use police bail
- No teeth
- Police have a choice

Administration?

- Chaos
- Put more pressure on already stretched public services

# Offence – breach of pre-charge bail conditions relating to travel – s.68

- Arrested under s.24 PACE
- Released on police bail
- Travel restriction ban
  - Not to leave UK
  - Not to enter port
  - Surrender travel documents
  - Not to have travel documents in possession
  - Not to obtain / seek travel documents
- Fails to comply with condition of leaving UK
- Fails to comply with other conditions without reasonable excuse
- Either way offence
- 12 months imprisonment

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