

**The Policing and Crime Act 2017** is a new piece of legislation which came into effect on 3<sup>rd</sup> April 2017. The Act puts in place a number of changes to the way in which the Police work with the aim of improving their efficiency, effectiveness, making them more accountable, strengthening safeguards for children and young people at risk of sexual exploitation and putting in place protections for people under investigation by, or who come into contact with, the police.

This includes changes to the way in which the police approach issuing bail conditions prior to someone being formally charged with an offence. This includes:

- A presumption that a person subject to a continuing investigation will be 'released under investigation' unless the police consider it appropriate and necessary to impose bail, with conditions on that person.
- Where pre-charge bail is required, this will be for a period of 28 days on the authority of an inspector
- Any extension of pre-charge bail beyond 28 days requires the authorisation of a Superintendent up to a maximum of 3 months
- Any pre-charge bail conditions needing to be extended beyond 3 months require the authorisation of a magistrate's court.

The test used by the police to determine whether pre-charge bail conditions are required is that they are deemed necessary and proportionate in order to ensure the person surrenders to custody, to prevent further offences, to prevent interference with witnesses or otherwise obstruct the course of justice. The Act also allows conditional bail to be considered for the person's own protection, or if the person is under 17 years of age, to promote their welfare.

Pre-charge bail conditions will most usually be used on offences involving violence, sexual offences or where there is a vulnerable victim or witness.

It is possible under the new legislation to issue pre-charge bail conditions at any point in an investigation - should information come to light that shows that the conditions for issuing them have been met.

A link to the full copy of the legislation is below:

<http://www.legislation.gov.uk/ukpga/2017/3/contents/enacted>