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Co-Chairs
Policing and Crime Public Bill Committee
House of Commons
London
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POLICING AND CRIME BILL: GOVERNMENT AMENDMENTS FOR COMMONS COMMITTEE

I am writing to let members of the Public Bill Committee have details of a final tranche of Government amendments (copy attached) which I tabled yesterday.

Pre-charge bail (new clauses “*Offence of breach of pre-charge bail conditions relating to travel*” and “*Offence of breach of pre-charge bail conditions relating to travel: interpretation*” and amendment to clause 110)

The continuing draw of Daesh has meant that there is a particular risk that those under investigation for a terrorism-related offence will seek to flee from the UK. Where there is a flight risk, appropriate conditions can be attached to a person’s pre-charge bail; however, at present, there is no sanction available where such bail conditions are breached. When he gave evidence to the Liaison Committee on 12 January, the Prime Minister indicated, in response to a question from Keith Vaz (Q53), that the Government would look at making breach of bail a criminal offence. These new clauses now provide for just such an offence, carefully targeted to address the particular operational issues that have been identified.

The offence would apply where a person:

- has been arrested on suspicion of committing a terrorist offence (as listed in section 41 of the Counter-Terrorism Act 2008) under the Police and Criminal Evidence Act 1984 (or equivalent legislation in Northern Ireland);

- has been released on pre-charge bail, subject to a travel restriction condition (as defined in subsection (2) of new clause *Offence of breach of pre-charge bail conditions relating to travel*); and
- subsequently breaches, without reasonable excuse, any of those conditions. (There is no provision for a reasonable excuse defence in cases where the arrestee breaches a condition not to leave the UK.)

The offence would be triable either way and subject to a maximum penalty of 12 months' imprisonment.

The offence will apply to England and Wales and Northern Ireland. Once relevant provisions of the Criminal Justice (Scotland) Act 2016 come into force there will be an analogous offence in Scotland.

I am copying this letter to members of the Public Bill Committee and placing a copy on the Bill page on gov.uk.

Rt Hon Mike Penning MP