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16 November 2021

Dear Lords Ponsonby and Paddick

**POLICE, CRIME, SENTENCING AND COURTS BILL: COMMITTEE STAGE –
PRE-CHARGE BAIL**

Thank you for your contributions to the debate on pre-charge bail in Committee on 1 November (Official Report, columns 1044-1052). As promised during the debate, I wanted to follow up with you (Lord Ponsonby) on the point raised about court orders and their interaction with breach of pre-charge bail conditions. I am also taking this opportunity to clarify the position as regards breach of court bail in the light of your (Lord Paddick) comments at column 1051.

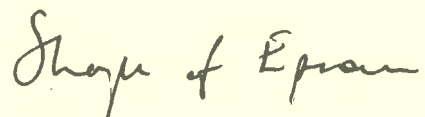
The first issue was also raised at the Committee stage of the Commons in relation to an amendment tabled by Sarah Jones on the creation of an offence of breach of pre-charge bail conditions. Minister Atkins made it clear that officers should consider, in the first instance, whether the behaviour or actions in question could amount to a separate offence such as harassment or intimidation. She also noted that there are existing civil orders in place, including Sexual Risk Orders, Stalking Protection Orders and the new Domestic Abuse Protection Orders (DAPO). Police officers should consider whether civil orders are appropriate, given that breach of these orders will consist of a separate offence.

I wanted to clarify that there was no commitment by the Minister to undertake a broader review of civil orders – rather that the existing civil orders available to the police should be considered in instances where conditions of pre-charge bail have been breached.

As you helpfully commented, this dovetails with proposals from the Centre for Women's Justice which would encourage police officers to consider, where conditions have been breached, whether a DAPO or other civil order is appropriate. The Government is working with the College of Policing to evaluate how this can be addressed in statutory guidance.

With regard to your (Lord Paddick) closing comments in the debate, I wanted to pick up on the point around breach of post-charge bail. There is no offence of breach of post-charge or court bail. It may be that the case to which you referred related to failure to surrender to custody without reasonable cause, which is a separate criminal offence. It stands apart from breach of conditions.

I am copying this letter to Lord Rosser and Baroness Harris of Richmond. I am also placing a copy in the library of the House.

A handwritten signature in cursive script, reading "Sharpe of Epsom".

LORD SHARPE OF EPSOM OBE

The Lord Ponsonby of Shulbrede and the Lord Paddick
House of Lords