Ministry of JUSTICE

CRIMINAL JUSTICE SYSTEM
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Bail and Murder

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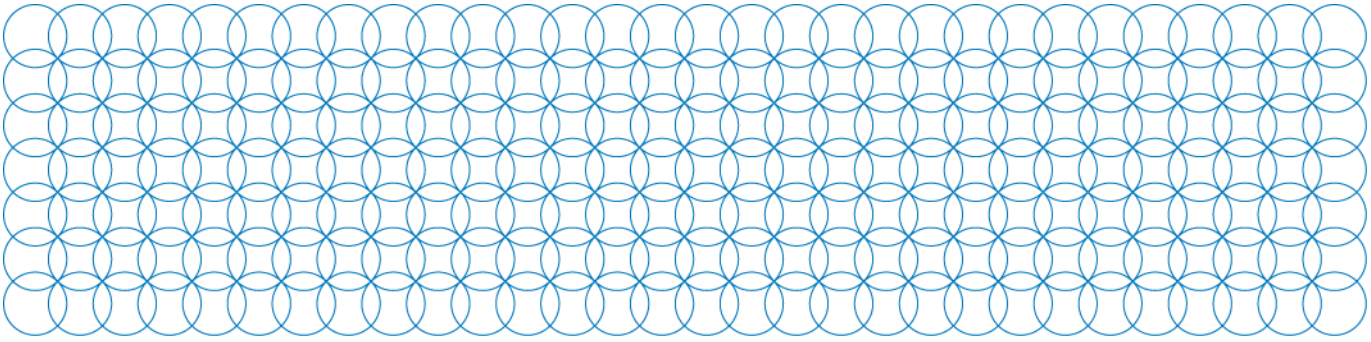

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Bail and Murder

A consultation produced by the Office for Criminal Justice Reform, part of the Ministry of Justice. It is also available on the Ministry of Justice website www.justice.gov.uk and the Criminal Justice System website www.cjsonline.gov.uk

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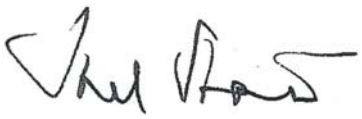
Foreword

In January this year, a man killed his mother-in-law before taking his own life. At the time he was on bail awaiting trial for the alleged murder of his wife. No one would suggest that this tragic incident was typical. Not many alleged murderers are released on bail, and the minority who are bailed are highly unlikely to kill again. But this case, with others in which murders were committed by people who were on bail, has naturally aroused shock and concern in the general public.

We have therefore been looking again at the complicated and difficult issues that arise where the courts make bail decisions in murder cases. Such decisions will never be easy, but it is vital to ensure that the courts strike the right balance between respecting individuals' right to liberty and protecting the public. Our aim is to target custody as precisely as possible upon those cases where there is a risk of harm to the public. This paper sets out possible ways of helping the courts to achieve that aim, and I would welcome views on whether we should pursue these or other ideas. I do not take it for granted that it will be necessary to amend legislation, but we shall not hesitate to bring forward whatever changes in guidance, rules or the law may be needed.



The Right Hon Jack Straw MP

Lord Chancellor and Secretary of State for Justice

Executive summary

This consultation asks whether the rules governing the enforcement of bail conditions and the grant of bail to suspects charged with murder should be revised in the light of recent cases of murder and manslaughter committed by persons on bail. It examines the issues surrounding the grant of bail and the possible options available for recalibrating the law or procedures to provide a greater emphasis on public safety.

The paper looks at the 'presumption of bail' and its application to those charged with murder. It asks for opinions on whether any change is necessary and, if so, whether the statutory test should be amended or a change made to the particular risks considered by the courts in deciding whether to grant bail. Views are also requested on whether hearings following alleged breaches of bail by defendants charged with murder should be heard in the Crown Court where the judge so directs, rather than in a magistrates' court as at present.

Some of the matters under consideration are also relevant where defendants are facing charges less serious than murder. These include the role of the CPS in making representations against the grant of bail once a defendant has been convicted and the relevance of the likely sentence when a court is considering bail. Also discussed are the monitoring of bail conditions, the imposition of conditions that must be met by other agencies before a defendant is released, and the provision of feedback to courts.

Introduction

This paper sets out for consultation possible changes to the rules governing enforcement of bail conditions and the decision whether to grant bail when a defendant has been charged with murder, including where the defendant is already on bail in respect of other charges. The consultation is aimed at practitioners and stakeholders and anybody with an interest in the subject in England and Wales.

This consultation is being conducted in line with the Code of Practice on Consultation issued by the Cabinet Office and falls within the scope of the Code. The consultation criteria, which are set out on page 33, have been followed.

We believe that the possible revisions to the existing bail arrangements canvassed in the paper do not indicate either in costs or in additional burdens on the criminal justice system a need to develop an Impact Assessment. If you disagree with this conclusion you are invited to send your reasons as part of your overall response to this paper.

Copies of the consultation paper are being sent to:

Association of Chief Police Officers

Council of Her Majesty's Circuit Judges

Criminal Bar Association

Criminal Law Solicitors' Association

Criminal Procedure Rule Committee

Crown Prosecution Service

District Bench (Magistrates' Courts) Legal Committee

Equality and Human Rights Commission

General Council of the Bar

High Court Masters' Group

Institute of Legal Executives

Judicial Communications Office

Judges' Council

Judicial Studies Board

JUSTICE

Justices' Clerks' Society

Law Society of England and Wales

Legal Services Commission
Liberty
Local Criminal Justice Boards
Local Government Association
Lord Chief Justice of England and Wales
Magistrates' Association
MAMAA (Mothers Against Murder And Aggression)
National Bench Chair Forum
NACRO (National Association for the Care and Resettlement of Offenders)
Police Federation of England and Wales
Police Superintendents' Association of England and Wales
President of the Queen's Bench Division
Senior Presiding Judge
Senior District Judge (Chief Magistrate)
SAMM (Support Against Murder and Manslaughter)
Victims Advisory Panel
Victim Support
Whitehall Prosecutors Group

However, this list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

The proposals

Introduction

1. Bail decisions are inherently difficult. On the one hand, every defendant is 'innocent until proven guilty' and not to be deprived of the basic right to liberty without very good reason. On the other hand, the public must be protected and justice must be done. The courts' difficult task is to strike the balance in individual cases on an objective assessment of all the facts.

2. The policy which is reflected in the Bail Act 1976 ("the Bail Act") is broadly that the courts should remand defendants in custody where there is a real risk of further offending, absconding or interfering with witnesses, which cannot be satisfactorily mitigated by other means and otherwise to grant bail. It is the Government's policy to provide the resources to enable effective bail conditions to be imposed as alternatives to remand in custody, such as tagging, bail accommodation and bail support. The Government's aim throughout is that custody should be targeted as precisely as possible upon cases where there is otherwise a risk of harm to the public. For example, the Criminal Justice and Immigration Act 2008 contains provisions[1] designed to ensure that custodial remands in minor cases are targeted where there is a risk of further offences involving injury or fear of it.

3. Parliament has to set an overall framework for making these decisions – and to be ready to change it if the existing rules seem not to be working as intended. A series of recent cases has raised questions about, first, how the bail rules apply to persons charged with murder and, second, whether aspects of the bail system might need to be changed to afford greater primacy to protecting the public. The purpose of this consultation is to examine how certain aspects of the bail rules and procedures operate at present and, in the light of experience, to consider whether there is a case for changing either the legislative framework or the procedures that support it.

The cases

Weddell

4. On Saturday 12 January 2008 Garry Weddell, who was on bail awaiting trial for the murder of his wife, killed his mother-in-law before taking his own life.[2]

[1] Criminal Justice and Immigration Act 2008, s. 52 and Schedule 12
[2] Bedford and Luton coroner's inquest finding, 18 March 2008.

5. Weddell, a police inspector, was charged on 27 June 2007 with his wife's murder. The prosecution objected to bail on the basis that there were substantial grounds for believing that if granted bail Weddell would fail to surrender and/or interfere with witnesses and/or custody was required for his own protection and welfare.

6. After the case had been sent to the Crown Court, further applications for bail were made to His Honour Judge Bevan QC on 3 July 2007 and 13 July 2007. On 3 July bail was refused primarily for the defendant's own protection, pending a psychiatric report, as he was a potential suicide risk. Having received the report, bail was again refused pending the author attending court. On 27 July 2007 the judge granted conditional bail after hearing evidence from a psychiatrist that he did not think the defendant was a suicide risk. The prosecution had continued to put other grounds for refusing bail, but the primary focus had been the defendant's own protection.

7. Applications to vary bail conditions were made on four occasions. On three of these bail was varied and on one occasion the defence withdrew the application. Bail was not changed after two alleged breaches – entering Bedfordshire, and contacting a witness – one of which was considered slight and the other was found not to be a breach.

8. A summary of the bail hearings which was published by the Judicial Communications Office, setting out the sort of consideration the judge gave when making the remand decisions, is attached at Annex A.

Peart

9. On 29 July 2005, Richard Whelan, a passenger on the top deck of a London bus, was fatally stabbed by Anthony Leon Peart (who also used the surname Joseph) after remonstrating with him for throwing chips at passengers. On 22 November 2007, after two trials in which the jury were unable to agree on whether he was guilty of murder, Peart pleaded guilty at the Central Criminal Court to manslaughter on the grounds of diminished responsibility and was ordered to be detained indefinitely.

10. Although Peart was not on bail at the time of the murder he was, some little time before, involved in three other (sometimes overlapping) sets of criminal proceedings and either failed to answer to bail, or breached bail conditions, in all of them. In respect of a charge of burglary to which he had pleaded guilty and been committed to the Crown Court for sentence, he was nevertheless released on bail pending sentence. After Peart's conviction the Solicitor General invited the Chief Inspectors of Constabulary, Crown Prosecution Service, Court Administration and

Prisons to look into the circumstances of the case. Their joint report[3] published on 28 April 2008 includes recommendations about bail.

The statistical background

11. In 2006 1,922,300 persons were proceeded against in England and Wales: 493,800 persons were bailed and 76,700 were remanded in custody (including defendants who spent part of the proceedings on bail and part in custody).

12. A 'snapshot' count on 31 January 2008 showed that 60 (13 per cent) of the 455 defendants charged with murder at that time were on bail, as were 35 (85 per cent) of the 41 charged with manslaughter.

13. By way of comparison, the corresponding figures for all cases in the Crown Court at 31 December 2007 was 22,500 (68 per cent) defendants bailed out of a total of 33,000.

14. The bail rate for those charged with murder is, unsurprisingly given the great seriousness of the charge, much lower than that for Crown Court cases generally (13 per cent compared with 68 per cent), whereas the rate for defendants charged with manslaughter (85 per cent) is higher.

15. Clearly, defendants charged with murder are much less likely to be granted bail than those charged with manslaughter: the nature of the manslaughter offence, where elements of negligence or recklessness rather than serious intent to injure may play a large part, presents a very different case for the court to consider.

Issues and options for addressing them

16. This section considers the following issues that arise from the recent cases:

- The ‘presumption of bail’ and its application to those charged with murder (Weddell)
- Post-conviction grant of bail: legal position, and role of CPS (Peart)
- Enforcement of bail conditions imposed by the Crown Court (Weddell)
- Confirming that bail conditions are appropriate (Peart)

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[3] *A review to ascertain the circumstances in which Anthony Leon Peart, also known as Anthony Leon Joseph, came to be at liberty on 29 July 2005*: A report by Her Majesty’s Crown Prosecution Inspectorate together with Her Majesty’s Inspectorate of Constabulary, Her Majesty’s Inspectorate of Court Administration and Her Majesty’s Inspectorate of Prisons. April 2008.

17. Where a possible change is canvassed, it will not necessarily require legislation; it may be possible to achieve the same objective through guidance.

The 'presumption of bail' and its application to those charged with murder

18. The Bail Act establishes a presumption in favour of bail. The purpose was to increase the use of bail, where appropriate, and to set consistent standards for making the remand decision. In summary, it provides that defendants charged with an imprisonable offence will be granted bail unless there are substantial grounds for believing that, if released on bail, the defendant would abscond, commit an offence, or interfere with witnesses or otherwise obstruct justice, in which circumstances bail need not be granted.

19. In making its decision the court must consider all the circumstances of the case that appear to be relevant. The Bail Act already expressly includes within this assessment the nature and seriousness of the alleged offence, the weight of the evidence against the defendant, his character, antecedents, associations and community ties, and his past record of complying with bail.

20. The circumstances in which bail may be denied to a defendant charged with (or convicted of) a non-imprisonable offence are more limited. The court may refuse bail only where the defendant has failed to attend in the past and the court believes that if granted bail he will not attend again; where it is necessary for his own protection; or where the defendant has been arrested for failing to surrender to bail or breaching bail conditions in the current proceedings and the court believes that he will fail to surrender to bail, commit offences on bail or interfere with witnesses.

21. The recent Criminal Justice and Immigration Act contains a provision, shortly to come into force, which will add to Schedule 1 of the Bail Act new criteria which will apply to summary imprisonable offences (see paragraph 35 below).

22. The circumstances in which the Bail Act provides that bail need not be granted (the 'exceptions to bail') are aligned with the potentially legitimate grounds for depriving a person of liberty in Article 5 of the European Convention on Human Rights and Fundamental Freedoms (ECHR) and, where the Bail Act applies, represent the only grounds on which a court may legitimately refuse bail. The history of section 25 of the Criminal Justice and Public Order Act 1994 illustrates how difficult it is to establish entirely new grounds for refusing bail.

23. As initially enacted, section 25 prevented the grant of bail to any defendant who was charged with one of a list of grave offences[4] and who

[4] Murder, manslaughter, rape, attempted murder or attempted rape.

had a relevant previous conviction for one of those offences. However it was conceded, in a decision of the European Court of Human Rights in 1996 (five years before the Human Rights Act came into force), that this prohibition violated Article 5 of the ECHR[5]. The objection was that courts must only detain a person, pre-trial, if one of the legitimate grounds for detention set out in Article 5 applies. Section 25 did not leave the courts any discretion to grant bail in cases where there were no legitimate grounds for detention in light of all the circumstances of the case. In reality, it is overwhelmingly likely that a defendant to whom section 25 applied would be considered to present a risk of further offending. However, a situation could still arise where section 25 might have prevented the court granting bail in circumstances where there were no legitimate grounds for detention[6]. Accordingly the absence of discretion to grant bail meant that section 25 failed to comply with the ECHR.

24. The provision was therefore amended in the Crime and Disorder Act 1998 to provide that bail can be granted only if the court is satisfied that there are exceptional circumstances which justify it. Even as thus amended, the House of Lords in the case of *R(O) v Crown Court at Harrow*[7] has made it very clear that this does not prevent the court granting bail if there are no legitimate grounds for detention. Although in the vast majority of cases the court will reach a clear view one way or another whether the conditions for withholding bail specified by Schedule 1 to the Bail Act are satisfied, occasionally the court will be left unsure as to whether the defendant should be released on bail. As Lord Brown of Eaton-under-Heywood said, "*in my judgment bail would then have to be granted. That must be the default position. Section 25 should in my judgment be read down to make that plain*"[8]. In the light of this, section 25 highlights the risks normally attendant on the grant of bail to a person falling within the terms of that provision. It does not inhibit the court's discretion to ensure that bail is only withheld where there are legitimate grounds for detention in all the circumstances.

25. Within these boundaries, there is some scope for tailoring the terms of the Bail Act so that they address different situations in appropriately different ways. For example, sections 14 and 15 of the Criminal Justice Act 2003 (which so far have been implemented only in respect of offences that attract life imprisonment) amend the Bail Act for situations where the defendant has recent history of misbehaviour while on bail. Where either (a) the defendant is being remanded in respect of an offence which took place whilst he was already on bail in criminal proceedings or (b) the defendant has already failed to surrender to custody in the same proceedings, the defendant may not be granted bail unless the court is

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[5] See the judgment of the European Court of Human Rights in *Caballero v United Kingdom*, Application No. 32819/96

[6] For example, a defendant convicted of rape as a youth who, forty 'clean' years later, is accused of the 'mercy-killing' of his terminally-ill wife.

[7] [2007] 1 A.C. 249

[8] ibid para 35

satisfied that there is no significant risk of the defendant 'repeating' that behaviour. This reflects the fact that defendants falling within those categories are highly likely to represent a real risk of further misbehaviour if released on bail, which would constitute legitimate grounds for detention.

26. Section 19 of the Criminal Justice Act 2003 makes similar provision for a defendant charged with an imprisonable offence who tests positive for a specified Class A drug, which appears to have contributed to the offence, and who refuses treatment (or to be assessed for treatment). Section 19 amends the Bail Act so that such defendants will not be bailed unless there is no significant risk of their offending whilst on bail.

Options

27. In the wake of the Weddell case some surprise was expressed that it was possible for a defendant charged with murder to be granted bail at all. In fact, as paragraph 15 above illustrates, some alleged murderers are bailed, some of them in circumstances where few would consider a remand in custody appropriate. It is not obvious, for example, that a person accused of murder but whose defence was of a 'mercy-killing' of a terminally-ill spouse, or a householder who shoots a burglar and claims to have acted in self-defence, ought necessarily to be remanded in custody and a provision that gave the courts no option but so to remand them would be unjust. A prohibition on bail for murder would also present legal problems, as noted above. But there are less drastic adjustments that could be made to the present law. This section examines the options for change and the arguments for and against them.

i) No change

28. It is not surprising that there is real public concern when a murder is committed by a person on bail. Information disclosed by a number of police forces to a national newspaper in response to a Freedom of Information Act request suggests that 79 out of 462 alleged murders had been committed by a defendant who was on bail.

29. The central problem however is whether it could have been predicted that the defendant would go on to commit so serious an offence. No court would remand on bail where the evidence of such a risk was high. In many cases where murder is committed while on bail, the defendant will have been bailed for commonplace (and often much less serious) offences, and whilst it might arguably be foreseeable (for example after he had committed an assault immediately after being bailed by the Crown Court) that he might reoffend in some way, there will not necessarily have been anything to suggest that the person would go on to commit murder. In particular, if a person has pleaded guilty and is highly likely to receive a non-custodial sentence, the court may have considered it disproportionate to remand them in custody pending trial.

30. Weddell's case is worrying because he was on bail for another murder. But it is very unusual for a murder to be committed in these circumstances

and the fact that it is so unusual is significant. Looking at the facts of the case, there appears to have been no reason for the court to fear such an outcome: the grounds on which he was initially remanded in custody were not that he was thought to present a risk of committing further offences but that he was considered to be at risk of harming himself, and only after very careful consideration of that risk on the basis of expert evidence did the judge decide, at the third remand hearing, to grant bail. The remand decision itself, in spite of its terrible aftermath, was unexceptionable and it is arguable that amending the legislation would not have affected the outcome.

Q1: Is any change to the law governing bail necessary?

ii) Amend the statutory test for bail in murder cases

31. Short of prohibiting bail in murder cases, it might be possible to amend the Bail Act along similar lines to section 25 of the 1994 Act – that is, to provide that bail was to be granted to defendants in murder cases only "if the court is satisfied that there are exceptional circumstances which justify it". Such a provision would emphasise the need for care in such cases owing to the gravity of the charge and the effect that is likely to have on the defendant, while leaving the court the discretion to grant bail where appropriate.

32. It is however arguable that such a provision would seldom lead to different decisions being made, and that it would be liable to be read down (as has section 25 itself) to the point where its utility would be questionable.

Q2: Should the statutory test be amended along similar lines to Section 25 of the 1994 Act?

iii) Requiring courts to have regard to risks

33. A more modest alternative would be to amend, not the test itself, but the factors that are specified in the Bail Act as considerations to which (if relevant) the courts are to have regard in making their decision. The objective would be to highlight the need to take full account of the risks, including risks to public safety, that are highly likely to be involved in granting bail in murder cases. The exceptional nature of the crime and the mandatory life sentence that it carries mean that often (though not of course in every case) there could be considered a greater risk than usual that defendants will abscond, or harm themselves, or obstruct the course of justice. While there may not be a high risk of further offending, the court must have regard not only to the probability of a defendant's committing an offence if bailed but also to the potential seriousness of any offence that he might commit.

34. The Bail Act provides (in paragraph 9 of Part 1 of Schedule 1) that "...*the court shall have regard to such of the following considerations as appear to it to be relevant, that is to say – a) The nature and seriousness of the offence or default (and the probable method of dealing with the defendant*

for it)…" So it is already clear that the seriousness of the offence should be a factor in the court's decision where it is relevant – needless to say, the more serious the offence, the more weight might be attached to that factor. But sub-paragraph (a) might be expanded to identify the seriousness of the offence as a particular consideration where the defendant is accused of murder.

Q3: Should courts be required to have regard to the fact that the defendant is accused of murder?

35. It is arguable that the specified considerations should also include the risk of harm to the public. Whilst the risk that a defendant would commit further offences is a ground for refusing bail, the legislation makes no distinction between offending that is likely to lead to harm and that which is not. An amendment to the Bail Act in the recent Criminal Justice and Immigration Act provides that, in respect of summary imprisonable offences, the 'exception to bail' is limited to the risk that the defendant would commit an offence by engaging in conduct that would be likely to cause physical or mental injury or the fear of it. One option would be to add a similar formula to the considerations specified in paragraph 9 of Schedule 1 to the Bail Act, so that in assessing whether to refuse bail on the grounds that further offending is likely, the court would be encouraged to take account of whether it was likely to cause physical or mental injury.

36. Courts already give due weight to the risk of serious violence, where this is a relevant factor in the case. But if there is a limit to the number of people who can be remanded in custody, the public may well prefer scarce prison places to be used for defendants who are at risk of committing even low-level violence, rather than those whose offending is typically non-violent.

37. An alternative approach would be to amend the provision that restricts bail for defendants whose offence appears to have been committed while already on bail, by adding a reference to the likelihood of injury. Section 14 of the Criminal Justice Act 2003 provides that such defendants may not be granted bail unless the court is satisfied that there is no significant risk of their committing a further offence while on bail. The provision could be amended so as to concentrate, from a public safety perspective, on the risk of injury; remand in custody could be avoided if there was no significant risk of the defendant's offending in such a way as to cause injury.

Q4: Should courts be required to have regard specifically to whether further offending is likely to cause physical or mental injury?

38. At present, the paragraph in Schedule 1 to the Bail Act setting out the considerations that are relevant applies primarily to decisions as to whether the defendant would, if released on bail, fail to surrender, commit an offence whilst on bail, or interfere with witnesses. Another minor amendment could also be made expressly to apply the factors listed in this paragraph to decisions about whether the defendant should be kept in

custody for his own protection, including self-harm (which was the court's concern in the Weddell case).

Q5: Should the considerations listed in paragraph 9 of Schedule 1 to the Bail Act also apply to decisions to remand defendants in custody for their own protection?

Post-conviction grant of bail: the legal position and the role of the Crown Prosecution Service (CPS), and the relevance of the likely sentence

The legal position and the role of the CPS

39. One of the issues in the Peart case which is discussed in the Inspectorate report concerns the grant of bail where a defendant is convicted but unsentenced. In respect of one of the sets of proceedings outstanding against Peart, he had pleaded guilty to an offence in the magistrates' court, which had then committed him to the Crown Court for sentence.

40. There is a perception that the CPS should not oppose bail after conviction and that bail is solely a matter for the court. As the report puts it,

    "Prior to the implementation of the Bail (Amendment) Act 1993 the accepted view was that post-conviction the prosecution could not formally oppose bail, but would ensure that the court had all the necessary information to allow it to decide whether or not to grant bail".

41. The significance of the 1993 Act is that it gives a right of appeal against the grant of bail to a person charged with or convicted of an offence by a magistrates' court in the face of objections from the Crown, and the report argues that this must by implication confer the right to make representations.

42. It is unclear, in fact, what the foundations were for the proposition that the Crown could not make representations against the grant of bail post-conviction. When the Bill that became the Bail Act was first introduced, the 'right to bail' in what is now section 4 of the Bail Act and the 'exceptions to bail' in Schedule 1 were to be limited to defendants who had not yet been convicted. But the Bill was subsequently amended to apply also to some defendants who, having been convicted, had to be further remanded pending final disposal of the case. Section 4 and Schedule 1 thereby applies to a defendant whose case is adjourned for pre-sentence reports but not a defendant who is committed to the Crown Court for sentence because the magistrates' court considers that it does not have adequate sentencing powers. It follows that in cases covered by section 4, the position after conviction is the same as it was before the defendant was convicted: he has a right to bail and the Crown may oppose bail on the grounds set out in Schedule 1.

43. It does not follow, however, that the CPS are barred from making representations in cases not covered by section 4. The difference is that the convicted person has no right to bail but that is no reason why the CPS

should be prevented from submitting to the court that bail would be inappropriate. Anecdotal evidence (backed up by a canvass of a small number of Chief Crown Prosecutors and Crown Court judges) suggests that the approach taken in these cases varies between areas; some prosecutors are more likely than others to offer information and some courts more likely to request it.

44. The Peart report recommended that the CPS should review their guidance to prosecutors on the Bail Act and related provisions to ensure it correctly reflects the prosecutor's role in deciding issues of bail or custody post conviction. That has been done: the CPS have amended their guidance to the effect that prosecutors are able to make representations against the grant of bail after conviction, whether or not the defendant has the right to bail. The CPS will keep the revised guidance under review to see whether any other changes are necessary.

Q6: Should there be any limitation on the right of the CPS to make representations against the grant of bail after a defendant has been convicted?

45. The Bail (Amendment) Act 1993 allows the prosecution to appeal against the grant of bail by a magistrates' court where the alleged offence is punishable with imprisonment and the prosecution objected to bail. Notice of appeal has to be made within two hours of the conclusion of proceedings. The Crown Prosecution Service's guidance for prosecutors urges them to exercise the right "judiciously and responsibly" and only in cases of "grave concern".

Q7: Should the CPS be encouraged to make greater use of their right of appeal against bail post-conviction?

Relevance of the likely sentence

46. A consideration that may tend to discourage the CPS from making representations against granting bail to a person after he has been convicted is that the offence is unlikely to attract a custodial sentence. There is nothing in the Bail Act to prevent a court from refusing bail post-conviction on the grounds that there is a risk of further offending, even where it is apparent that the offender is not going to be sentenced to custody. However, to do so might be considered anomalous.

Q8: Are there any circumstances in which it would be appropriate for the CPS to seek a custodial remand post-conviction where it is clear that the offender will not be sentenced to imprisonment?

Enforcement of bail conditions imposed by the Crown Court

47. Weddell committed breaches of the conditions that the Crown Court had attached to his bail and was brought (in the usual way) before a magistrates' court, which determined that the established breach was minor and that bail should be continued.

48. While it is by no means clear that a Crown Court judge would have made a different decision, there is a strong argument that the court that granted bail – possibly even the same judge – should have the opportunity of reviewing it. The argument applies with greater force where, as in Weddell's case, bail is granted in respect of a murder charge and especially where (again, as with Weddell) it was a borderline case where bail was granted only after the production of a good deal of evidence.

49. If such a requirement were to apply in all cases where there was a breach of a condition attached to bail granted by the Crown Court, there would be obvious, and potentially large, resource implications for the courts, the CPS and legal aid. Nor would it be a sensible use of resources: not all Crown Court cases involve serious risks, nor indeed are they necessarily very serious in themselves (eg the significant minority of cases that continue to reach the Crown Court by way of the defendant's election).

50. A better approach might be for such an arrangement to apply only in certain circumstances – for example, where bail was granted in respect of murder, or in cases where the judge so directs because he is especially concerned to monitor compliance with the terms of bail he has given in a borderline case.

51. The present requirement is to bring defendants in breach proceedings before a court within 24 hours. As Crown Court judges are less readily accessible than magistrates, there might be practical difficulties in ensuring that defendants appeared before a judge within that timescale, and it might be necessary to provide for alternative arrangements in such circumstances.

Q9: Should bail hearings following arrest for breach of bail in respect of all defendants charged with murder be heard in the Crown Court, if possible by the same judge?

Q10: Alternatively, should such hearings take place in the Crown Court where the judge making the original grant of bail so directs?

Q11: Should such arrangements extend to manslaughter or other grave offences such as rape?

Monitoring bail conditions

52. A recent canvass of a small number of Chief Crown Prosecutors and Crown Court judges raised concerns about the monitoring of bail conditions. The standard of monitoring in particular cases appears to be set by the police themselves according to their own operational criteria. There may be merit in allowing the court to comment on such issues, or at least to make itself aware of local practices in monitoring conditions when determining what, if any, bail conditions are necessary. If the court is considering releasing a defendant on bail only on condition that he observes a curfew, and is subject to a door-stepping condition to allow the police to check that he is complying with it, knowledge of local monitoring

practice would be relevant in determining whether the condition is adequate to the risks involved.

Q12: Should courts be made aware of local police practices regarding monitoring of bail conditions, so that these can be taken into account in determining the adequacy of bail conditions?

53. It is convenient to deal here with a related issue arising from the Peart case. At one point the magistrates' court granted bail to the defendant subject to a condition that the address at which he was to reside should be checked for suitability by the police. The Inspectorates' report recommended that the Bail Act be reviewed to ensure that there are appropriate statutory checks on the suitability of all pre-release bail conditions of this kind. In fact, however, there appears to be no general ability for courts to impose 'conditions precedent' (that is, conditions that must be met before the defendant can be released) that impose demands on persons other than the defendant himself, as the court purported to do in Peart's case.

54. It is open to question whether it is appropriate for bail to be granted subject to a requirement that the police make checks, given that it will make the defendant's release or retention in custody dependent on a further decision to be taken by the police. If the court has reason to doubt whether the proposed address is suitable, it is arguable that it should remand the defendant in custody until the doubts have been dispelled, either through a satisfactory conclusion to enquiries or the substitution of an alternative address.

Q13: Do you think it is appropriate for courts to impose conditions that must be met by the police (or others) before the defendant is released on bail?

Feedback

55. An idea that does not spring from the cases considered in this paper but which has been put forward in the past as a possible improvement is that it would be helpful to courts if they received feedback on the outcome of bail decisions. The suggestion is that it would be a useful source of information for magistrates and judges in informing their decisions in future cases as to whether particular bail conditions are likely to be satisfactory in avoiding the risks posed by particular defendants, while still recognising that each case is taken on its own merits. It could be an effective way of building up experience for those new to the process and of allowing better informed decisions, based on risk assessments.

56. There are some practical difficulties with any proposal relating to feedback such as, for example, the need to make sure that the courts are not overburdened by requirements to provide or receive information, or how to identify the court which made a particular bail decision, but they are not

insuperable. Demands on resources could be limited by targeting feedback to certain classes of case, or at the request of the court.

Q14 : Do you think that feedback would be of any use, and if so how could it be achieved?

Annex A

Inspector Garry Weddell – Summary of Bail Hearings

3 July 2007 - Luton Crown Court – His Honour Judge Bevan QC

1. Prosecution counsel outlined the case, confirming that the investigation was continuing and that the defendant was a police officer of good character. The objections to bail which had been argued at the magistrates' court were put again. These were that the defendant, if granted bail would:

   i. Fail to surrender to the court, given the inevitable sentence, should the defendant be convicted.
   ii. Interfere with witnesses. The police had wished to interview the defendant's children. Since the magistrates' court hearing the police had interviewed the oldest child and no longer intended to interview the others. In answer to the judge's question, "does that [decision] mean that what was the second ground of interference with witnesses now no longer applies?" prosecution counsel replied "It essentially no longer applies to those children". When asked "Interference with witnesses would only potentially apply to the children presumably?" she responded, "yes … there are a number of witnesses, obviously. There are relatives and friends, and they have all made statements in connection with this inquiry. So, their evidence is committed to paper."
   iii. It was argued that the defendant should be remanded in custody for his own protection. He had been interviewed at another police station before being taken to Luton police station. On arrival there, an aerial cable which he had removed from a television in the interview room at the first police station was found in his sock. When asked why he had it, he replied "I just wanted to go to sleep." It was the Crown's case that the defendant had led a comfortable life, which was threatened when his wife decided to leave him. He faced losing his children and became so desperate that he decided to kill his wife in order to retain control. Having been charged with murder, his future was now even bleaker. The fact that he had hidden the cable demonstrated how desperate he had become and that the fears for his safety and that of his children were well-founded.

2. The judge's initial reaction was that as the prosecution had effectively conceded that the second ground no longer applied, he was not concerned about witness interference. He was concerned about the attendance risk and even more so about the concerns for the defendant's welfare, in the absence of a psychiatric assessment: "There will be [a psychiatric assessment prepared] automatically because this is a case of murder. But, until then, whatever you [defence counsel] tell me – and I am not shutting the door on you, of course, but you have got to look at it from my point of view – I have got a man who appears to have stolen a cable from an interview room and concealed it round his ankle – a man in a position, without going into it, for whom a charge of this kind would be a nightmare

scenario. That is your difficulty." The judge was aware that a surety of £200,000 was available but did not feel that that addressed his principle concern. He indicated that the position might be different if there were a report from a respected psychiatrist stating that the cable incident should be ignored but until then, he did not know what to make of the reply "I just wanted to go to sleep", continuing, "being brutally realistic about it, as long as there is a prospect that if I were to grant him bail he might do something to himself, then where would we be? I mean, the question only needs to be asked at this stage in the light of, 'what on earth was the judge doing, absent a psychiatric report, granting this man bail where he appears to have taken steps to try to end his life?'"

3. Defence counsel made submissions regarding the defendant's background, character and standing in the community. He understood that the defendant denied having said that he wanted to go to sleep. He confirmed that given the defendant's position as a police inspector, being in custody was "a nightmare".

4. Defence counsel addressed the judge on various aspects of the prosecution evidence, including the injuries sustained by the defendant and his wife, the language of the apparent suicide note left by his wife, the use of the family computer on the day on which it was believed she had died, and the delay of nearly five months between the death and the decision to interview and charge the defendant. Counsel suggested that all these points indicated that the prosecution case was originally not as strong as was now asserted.

5. The judge refused bail: "I regard the first ground of objection to bail as a potential ground. The second ground falls away. But, at present, and without pre-judging any future bail application I am convinced that there are substantial grounds to believe that it would be wrong to grant bail in relation to his own protection. I am not so concerned about the children, but in the case of him there is a comment, which is denied, in relation to this cable secreted around his ankle, which gives me genuine cause for concern about his own welfare. That may, or may not, be resolved in the light of the psychiatric report. … I am certainly not saying that if there is a favourable psychiatric report, he will get bail. But at the moment that I regard as an insuperable hurdle."

13 July 2007 - Luton Crown Court – HHJ Bevan QC

6. An interim psychiatric report dated 13 July was served on the court and prosecution by defence counsel. The author was approved for the purposes of section 12 of the Mental Health Act 1983.

7. The author had found the defendant to be co-operative and alert. There had been no evidence of any speech or language disorder. He had clearly been distressed and unhappy about his position but no more so than was

to be expected. There was no evidence of depressed mood. The defendant had been adamant that he had no suicidal intent, speaking of his plans to go on holiday in the summer: “It is perfectly obvious that Mr Weddle (sic) loves his children very deeply; it is also perfectly obvious that Mr Weddle understands that if he were to kill himself, his children would be orphaned.” No “evidence of psychosis, paranoia or any other form of psychotic disorder” was found.

8. The author was aware of the judge’s concerns regarding the cable. The defendant had explained to him that he had intended to make a ball with the wire to occupy himself. He had shown the author a further similar ball to demonstrate.

9. The author concluded that:

i. no evidence was found of significant emotional or behavioural disorder in the defendant’s youth;
ii. there was no evidence of delinquent traits or any mental disorder during the defendant’s adolescence;
iii. the defendant had had a successful career in the police. He was “essentially an industrious, conscientious family man”;
iv. no evidence was found to indicate that the defendant suffered from any personality disorder;
v. no evidence was found to indicate that the defendant suffered from any drug or alcohol abuse;
vi. there was no evidence of previous contact with psychiatric services; there was no history of significant clinical depression;
vii. there had been no evidence of clinical depression or suicidal intent while the defendant had been on remand;
viii. the defendant appeared to have suffered “some form of neurological event” while on remand: further scans were required to ascertain the nature of the event: it was likely that it had been precipitated by stress;
ix. no evidence was found of significant mental disorder beyond the expected reaction to the defendant’s current position;
x. “I consider that Mr Weddle does not pose a suicide risk”; and that
xi. he was prepared to supervise the defendant.

10. The judge was concerned that neither the possibility that the new ball might have been a diversion to suggest harmlessness, nor the words “I just wanted to go to sleep”, used when the cable was originally found, had been addressed. Prosecution counsel felt that further explanation was required of the “neurological event” suffered and the purpose of the supervision offered by the author: it was not clear from the report why it should be needed. It was agreed that the report’s author should attend court to assist with these questions. The judge indicated that he did in principle wish to grant the defendant bail but that “while there is any risk of

something going wrong, it is a risk that none of us should be prepared to take – least of all me." Bail was refused.

27 July 2007 – Ipswich Crown Court – HHJ Bevan QC

11. The author of the psychiatric report was sworn. He explained that although he had not seen the defendant's GP's records, he had seen the prison medical records, which contained a note of the GP's records. He gave more detailed evidence about the reasons the defendant had given him about the cable found in his possession. He clarified that when the cable was found in his sock, it was rolled into a ball. The defendant had said that he had made the ball to amuse himself, as he had the second: "I was satisfied that his account to me of the ball in the police station was cogent, and I was not concerned to consider it then to be a form of ligature inducing device." The author confirmed that he had borne in mind the possibility that the second ball may have been a diversion to lend credibility to his story.

12. The author admitted that he had not dealt with the words "I just wanted to go to sleep" as he had attributed little weight to them. It was clarified that contrary to the earlier, incorrect indication by counsel, the defendant did not deny using the words, but only their sinister interpretation. The defendant had explained that he had been ill for two days prior to his arrest and had slept badly. He was in custody for two days and during the night, police procedures caused his sleep to be disturbed 13 times. When he had shown the wire ball to the custody sergeant on his arrival at Luton police station, he had simply said that he was exhausted and needed to sleep. The author commented that "It seems to me to be wrong to invest that remark with any sinister significance unless there is a clinical indication to do so" He said that he had been told by Mr Weddell that his father had suffered from a psychiatric illness but went on to say that he was unaware of any documentary evidence to support that claim. He said that he had been slightly surprised at the suggestion because he was also told that the father had worked normally as a teacher. He concluded, "Mr Weddell does not have schizophrenia. I can categorically assert that."

13. The author explained that the term "neurological incident" indicated a broad category of neurological disorder with no firm diagnosis. He was awaiting the results of the computer tomography scan but suspected, given the absence of a report for immediate action, that it would show nothing. The defendant had reported a loss of sensation and strength on one side of his body but appeared to be improving and on the basis of his experience, the author believed that the symptoms would cease within a few months.

14. The supervision offered related solely to the neurological problem. "I didn't have any concerns about his mental condition. He doesn't need a

psychiatrist examining him regularly. He's stable as far as I am concerned. … I am satisfied your Honour that Mr Weddell does not create a suicide risk." He confirmed that the defendant was under no special watch regime in prison.

15. Prosecution counsel made submissions opposing the bail application on three grounds: that there were grounds for believing that the defendant would offend again, would interfere with witnesses, specifically the oldest child, and would abscond, given the inevitable sentence should he be convicted.

16. Prosecution counsel summarised the evidence supporting the prosecution case, which was that the defendant had killed his wife rather than that she had committed suicide. There was no evidence that she had been suffering from depression. There was evidence that she had been making plans for the future. There was a linguistic expert's opinion that the apparent suicide note had not been written by the deceased. The injuries caused by the cable-tie to strangle her were difficult to reconcile with self-inflicted injury. The defendant had arm and hand injuries which were consistent with having been involved in a struggle. Further, his conduct after his wife went missing were not as one would have expected: he had failed to search his garage even after it was suggested that he should: he had appeared to seek to have corroborating witnesses for everything he did on the day; and he had appeared to carry on with his life in an unconcerned manner after the death.

17. The oldest child was still to be a prosecution witness as to her mother's demeanour on the day of her death. Although her evidence-in-chief had been recorded, she would still be required for live cross-examination: currently all contact between her and her father was monitored and the prosecution was very concerned that the defendant should be in no position to put pressure on her.

18. The judge indicated to defence counsel that he considered the prosecution evidence, once served, had the potential to amount to a reasonably strong circumstantial case.

19. Defence counsel made the following points: that the physical evidence on the body was less clear than the prosecution suggested, as no foul play had been suspected by the doctor carrying out the post mortem examination; that the wife's boyfriend said that she had failed to respond to any of his calls or messages in the days before her death; and that there were inconsistencies in the neighbours' testimony.

20. Regarding the objections to bail, defence counsel submitted that the defendant was very concerned for his children's welfare, that he had other family members in the area and that the court could be confident that he would attend court but would not seek to corrupt the evidence of the oldest child. That child lived with the defendant's mother-in-law. Counsel commented that "there does not really appear to be any suggestion that he is likely to commit any offence, and if so what." He proposed that the defendant should live at his brother's address in Surrey and the court was referred again to the surety offered by the defendant's brother. A restraining order had been served on the defendant the previous day, preventing him from disposing of any of his assets. The defendant further offered to surrender his passport, abide by geographical constraints including being prohibited from entering Bedfordshire and be prohibited from contacting any witnesses.

21. The judge granted bail, saying: "I have wrestled with the problem with bail in this case, not only today in my mind, but on previous occasions. I do not find it by any means an easy decision, balancing the gravity of the case on the one hand with the fact that the defendant is undoubtedly a professional man with strong roots in relation to his children and financial position, and on the other hand trying to balance as well as all that, the fact that one has to look at a case, not even on paper at this stage, but I have treated it as a circumstantial case of reasonable strength. Nothing that I say is designed to belittle the strength of the Crown's case, but having listened to [the psychiatrist] in relation to his psychiatric state and he tells me that he has no concerns in that regard about his metal condition, and having listened to and considered the overall picture, whilst I make no comment whatever on the strength or weakness of the case, I am just persuaded that this is a suitable case for bail provided the conditions are stringent enough." The defendant was warned that "it is a very borderline decision that I have granted you bail at all, and you understand that if you breach any of those conditions, then you will be straight back into custody."

22. Bail was granted on the following conditions:

    i. residence at the defendant's brother's address in Woking;
    ii. the surrender of the defendant's passport;
    iii. the defendant was not to apply for any travel documents;
    iv. his brother was to offer a surety of £200,000 to secure his attendance at trial;
    v. the defendant was to report to Woking police station twice weekly;
    vi. the defendant was not to enter Bedfordshire save for court attendance and contact as set out below;
    vii. he was not to contact any of his children without their consent, any contact to be supervised by a third party to be agreed between his solicitors and those for his mother-in-law; such contact may take place in Bedfordshire provided that police are notified 48 hours in advance; and

viii. written proof was to be provided to police, Luton Crown Court and the CPS of a standing order in favour of his brother, covering the unaccounted portion of his income.

2 November 2007 - Luton Crown Court – HHJ Bevan QC

23. The case was listed to fix a trial date. Prosecution counsel drew the judge's attention to two apparent breaches of bail, in respect of which the defendant had been arrested that morning. It was not believed that the breaches had taken place on that day. Very little information was available to counsel and the breaches were not put to the defendant. The first apparent breach occurred when the defendant met his mother in a public house in Bedfordshire, near the Hertfordshire border. The second breach occurred when the defendant contacted the children's guardian after a picture was removed from the family home. The picture appears to have been removed from the home at the request of one of the children. No further details were provided to the court and no action was taken.

24. It was left to the prosecution to decide whether it felt it appropriate to list the case for mention in relation to the breaches once the full facts had been ascertained.

2 November 2007 North West Surrey (Woking) Magistrates' Court - Justices

25. The defendant had been arrested at his bail address on 2 November 2007. He was taken before the NW Surrey Magistrates' Court in relation to two alleged breaches of bail conditions. These were:

i. that on 27 October 2007 the defendant had had contact with a guardian of his children, a prosecution witness whom he was prohibited from contacting; and
ii. that on 29 October 2007 he had entered Bedfordshire in breach of his bail prohibition.

26. A detective inspector gave evidence of the Luton proceedings.

27. In relation to the first allegation, the prosecution relied on two statements, one made by the guardian, with whom the children were living, and one by a member of staff at the contact centre at which the defendant was permitted to meet his children.

28. The guardian stated that he had been spoken to by the defendant when he had arrived at the contact centre to collect the defendant's children after a

supervised contact session. Both men had been in the same room. The defendant had asked one of the children to go into another room and had then told the guardian that he was no longer to go to the defendant's former home. It appears that there may have been an exchange of words between both men but it is not recorded. The content of the contact centre staff member's statement is not recorded but on the basis of cross-examination of the defendant, appears to have supported the first statement.

29. The defendant denied having had contact with the guardian. He said that during the course of a contact visit, he had been taken into a room in which the guardian had been sitting. The guardian had asked him how the visit was but he had not responded in order not to breach his bail condition. He agreed that he should have walked out of the room and said that he had not intended to breach any condition. The defendant explained the discrepancies between his version of events and that of the other witnesses by saying that the guardian was a liar who wanted him in prison and that the staff member was mistaken.

30. In relation to the second allegation, the defendant admitted that he had been at a pub in Bedfordshire. However, that pub was only approximately 60 metres from the boundary with Hertfordshire and he had not at the time been aware that he was in Bedfordshire. Police had been contacted by the landlady as she had been concerned about a man who was taking photographs of the pub. She took a number of photographs of the man, who had left before police arrived. The defendant was identified from the photographs. The defendant explained that he had arranged to meet his mother at the pub and that he had spoken to the landlady about the pub's CCTV cameras on the suggestion of his solicitors, the CCTV systems on his route to work being relevant to the murder case. He said that he would not have gone to the pub had he been aware that it was in Bedfordshire.

31. The justices found only the second breach to have been proved. They further found that the defendant was likely to surrender to the custody of the court in future and that although there had been a technical breach of the condition not to enter Bedfordshire, it had been the result of inadvertence rather than any deliberate act. The breach being so minor, the justices "found no reason to overturn the detailed bail conditions imposed by the Crown Court sitting at Luton." The justices "were also mindful" of the fact that there had been no other breaches of bail since the imposition of the conditions in July 2007.

32. The defendant was re-admitted to bail on the same conditions.

Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

Q1: Is any change to the law governing bail necessary?

Q2: Should the statutory test be amended along similar lines to Section 25 of the 1994 Act?

Q3: Should courts be required to have regard to the fact that the defendant is accused of murder?

Q4: Should courts be required to have regard specifically to whether further offending is likely to cause physical or mental injury?

Q5: Should the considerations listed in paragraph 9 of Schedule 1 to the Bail Act also apply to decisions to remand defendants in custody for their own protection?

Q6: Should there be any limitation on the right of the Crown Prosecution Service (CPS) to make representations against the grant of bail after a defendant has been convicted?

Q7: Should the CPS be encouraged to make greater use of their right of appeal against bail post-conviction?

Q8: Are there any circumstances in which it would be appropriate for the CPS to seek a custodial remand post-conviction where it is clear that the offender will not be sentenced to imprisonment?

Q9: Should bail hearings following arrest for breach of bail in respect of all defendants charged with murder be heard in the Crown Court, if possible by the same judge?

Q10: Alternatively, should such hearings take place in the Crown Court where the judge making the original grant of bail so directs?

Q11: Should such arrangements extend to manslaughter or other grave offences such as rape?

Q12: Should courts be made aware of local police practices regarding monitoring of bail conditions, so that these can be taken into account in determining the adequacy of bail conditions?

Q13: Do you think it is appropriate for courts to impose conditions that must be met by the police (or others) before the defendant is released on bail?

Q14 : Do you think that feedback would be of any use, and if so how could it be achieved?

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	☐ (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

How to respond

Please send your response by 12 September 2008 to:

Gemma Alcorn
Office for Criminal Justice Reform
2 Marsham Street
London
SW1P 4DF

Tel: 020 7035 4973
Fax: 020 7035 8601
Email: bailconsultation@cjs.gsi.gov.uk

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at the Ministry of Justice website www.justice.gov.uk and the Criminal Justice System website www.cjsonline.gov.uk

Alternative format versions of this publication can be requested from bailconsultation@cjs.gsi.gov.uk.

Publication of response

A paper summarising the responses to this consultation will be published before the end of the year. The response paper will be available on-line at http://www.justice.gov.uk/index.htm.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as

confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

The consultation criteria

The six consultation criteria are as follows:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.

2. Be clear about what your proposals are, who may be affected, what questions are being asked and the time scale for responses.

3. Ensure that your consultation is clear, concise and widely accessible.

4. Give feedback regarding the responses received and how the consultation process influenced the policy.

5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.

6. Ensure your consultation follows better regulation best practice, including carrying out an Impact Assessment if appropriate.

Consultation Co-ordinator contact details

If you have any complaints or comments about the consultation **process** rather than about the topic covered by this paper, you should contact Gabrielle Kann, Ministry of Justice Consultation Co-ordinator, on 020 7210 1326, or email her at consultation@justice.gsi.gov.uk.

Alternatively, you may wish to write to the address below:

Gabrielle Kann
Consultation Co-ordinator
Ministry of Justice
5th Floor Selborne House
54-60 Victoria Street
London
SW1E 6QW

If your complaints or comments refer to the topic covered by this paper rather than the consultation process, please direct them to the contact given under the **How to respond** section of this paper at page 31.

Produced by the Ministry of Justice

Alternative format versions of this report are available on request from bailconsultation@cjs.gsi.gov.uk

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