

# **What happens if you Break Bail Conditions?**

While not answering bail is a crime, breaking bail conditions is not. Neither is it a contempt of court. R v Ashley [2003] EWCA Crim 2571. However you can still end up in trouble-follow these simple instruction or check [http://www.cps.gov.uk/legal/a\\_to\\_c/bail/#a07](http://www.cps.gov.uk/legal/a_to_c/bail/#a07) for full details.

Have you been charged with a Crime? (were given a sheet saying what you're charged with and when to go to Court)

**No:** The cops can arrest you if they reasonably suspect you've broken the conditions but have to charge you or release you on the same conditions. Any time spent in custody after being booked in counts towards the total you can be held for (normally 24 hours).

= YOU CAN'T BE SENT TO JAIL

(However failure to surrender **is** a crime (Section 6 Bail Act 1976). Although it should be said, the courts take failure to surrender to the cops far less seriously than skipping court and CPS guidelines state that failure to answer police bail should not be prosecuted at all where the substantive case is dropped.)

**Yes:** The cops can arrest you if they reasonably suspect that you've broken the conditions or they reasonably believe you are likely to break them. They must then bring you before Magistrates within 24 hours. The Magistrates then decide whether to give you bail and if so can change, leave the same or drop the conditions. But they cannot remand you in custody if there is no real prospect that you will get a custodial sentence.

So if you are on bail for a non imprisonable offence.

= YOU CAN'T BE SENT TO JAIL

If you are on bail for a imprisonable offence

= YOU MIGHT BE SENT TO JAIL

## **Does it matter if the conditions are imposed by a Court or the Police?**

YES! Although there is legally no difference breaking police or court bail conditions post charge, Magistrates take breaking conditions they impose more seriously than conditions imposed by the police and it's the Magistrates who decide if you get remanded and try your case.

Pissing off the Cops = Cross Cops

Pissing off the Judge = Unhappy You

