

GCE

LAW: RULES OF CRIMINAL LAW AND THEORY IN CRIMINAL LAW

BAIL SUGGESTED IDEAS FOR TEACHING AND LEARNING



SUGGESTED IDEAS FOR TEACHING AND LEARNING

Teacher /Lecturer:	
Component:	Component 2 and 3
Ref. to specification:	Criminal Law
Suggested time allocation:	2 - 4 hours

Course:	A Level Law
Topic:	
Session:	Bail

Aims & Objectives: At the end of these sessions the student will be able to:

- **Identify** the difference between bail and remand in custody.
- **Explain** the police powers to grant bail.
- **Explain** the powers of the court to grant bail.
- **Evaluate** the arguments for and against bail

Main Teaching and Learning Activities

Teacher/Lecturer Activities:

- Introduce the topic with reference to the aims and objectives set out above.
- Introduce the topic of bail by giving a brief definition and outline the fact it can be granted by the police or the courts.

Activity: Class Discussion – should everyone be granted bail? What should be taken into consideration? How could we balance the interests of protecting the public and affording the defendant his right of being innocent until proven guilty?

- Explain the overview of bail provisions using the diagram on the PowerPoint. Discuss the appropriate legal authority relating to police bail and insert on the diagram where appropriate. There are 3 situations where the police can grant bail – discuss these and the appropriate legal authority.
- Discuss the concept of conditional bail under the **Criminal Justice and Public Order Act 1994**. There is no limit to the number of conditions that can be attached to an award of bail, and there is also not a set list of conditions; the police and courts can award whatever conditions they feel are appropriate for the case.

Activity: Research – look up the cases of **Dave Lee Travis** and **Ryan Cleary** and make a note of the conditions attached to the bail awarded in both those cases. Use a reputable news website to look at further examples.

- Discuss the case of ***R v Hookway (2011)*** as per the PowerPoint.

Activity: Video – there is a hyperlink on the BBC logo on the PowerPoint which looks at the implications of the Hookway ruling. Use this video as a springboard to discuss the implications of the ruling and glean learners' opinions on this ruling-

<https://www.youtube.com/watch?v=FXbapp23gsA>

- Outline the proposals of a 28 day limit on police bail without charge under **s63 Policing and Crime Act 2017**. This has now been implemented and means a suspect cannot be on bail for longer than 28 days without charge.

Activity: Evaluation exercise – look for these two important articles to evaluate the advantages and disadvantages of this new rule.

"Police Bail limit of 28 days comes into force" – April 3, 2017 – www.bbc.co.uk

“Police bail restriction plans “dangerous” – September 28, 2016 – www.bbc.co.uk

- Court Bail – discuss the provisions of the **Bail Act 1976** to include: concept of **s4 Bail Act 1976** – the presumption in favour of bail, the exceptions to bail making careful note of the need for *substantial grounds*, the factors taken into consideration when making the decision to grant bail, as well as the important restrictions on the granting on bail.
- Following on from the provisions of the **Bail Act 1976**, “the balance” should be discussed; that is how does the law relating to bail address the balance between protecting the public and affording the defendant his rights to remain innocent until proven guilty and his Article 5 right to liberty.

Activity: Evaluation exercise – “the balance” picture could be blown up to A1 or A2 size and learners could be invited to put all the legal provisions on the appropriate side of the balance. This is good exam practice for an analysis/evaluation question on bail.

- Discuss the advantages and disadvantages of bail.

Student Activities:

- Group work – should everyone be granted bail? What should be taken into consideration? How do we address the balance between protecting the public and affording the defendant his right to be innocent until proven guilty?
- Research – look at key cases involving Dave Lee Travis and Ryan Cleary in terms of the awarding of conditional bail.
- Research – look at the recent introduction of the 28 day limit on police bail and discuss the implications of this new law.
- Exam Practice – look at the law relating to bail and look at how it addresses “the balance”. Is the balance sufficiently achieved? What more can the law do?

Suggested links / resources:

- PowerPoint presentation
- Teacher Guide
- Useful links:

Video, R v Hookway ruling

<https://www.youtube.com/watch?v=FXbapp23gsA>

Assessment

During the lesson

Group exercises and direct questioning show how much the students have understood the law relating to police and court bail.