



# Criminal Justice Act 2003

## 2003 CHAPTER 44

### PART 2

#### BAIL

#### 16 Appeal to Crown Court

- (1) This section applies where a magistrates' court grants bail to a person ("the person concerned") on adjourning a case under—
  - (a) section 10 of the Magistrates' Courts Act 1980 (c. 43) (adjournment of trial),
  - (b) section 17C of that Act (intention as to plea: adjournment),
  - (c) section 18 of that Act (initial procedure on information against adult for offence triable either way),
  - (d) section 24C of that Act (intention as to plea by child or young person: adjournment),
  - (e) section 52(5) of the Crime and Disorder Act 1998 (c. 37) (adjournment of proceedings under section 51 etc), or
  - (f) section 11 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (remand for medical examination).
- (2) Subject to the following provisions of this section, the person concerned may appeal to the Crown Court against any condition of bail falling within subsection (3).
- (3) A condition of bail falls within this subsection if it is a requirement—
  - (a) that the person concerned resides away from a particular place or area,
  - (b) that the person concerned resides at a particular place other than a bail hostel,
  - (c) for the provision of a surety or sureties or the giving of a security,
  - (d) that the person concerned remains indoors between certain hours,
  - (e) imposed under section 3(6ZAA) of the 1976 Act (requirements with respect to electronic monitoring), or
  - (f) that the person concerned makes no contact with another person.
- (4) An appeal under this section may not be brought unless subsection (5) or (6) applies.

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*Status: Point in time view as at 01/03/2005.*

*Changes to legislation: Criminal Justice Act 2003, Section 16 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (5) This subsection applies if an application to the magistrates' court under section 3(8)(a) of the 1976 Act (application by or on behalf of person granted bail) was made and determined before the appeal was brought.
- (6) This subsection applies if an application to the magistrates' court—
- (a) under section 3(8)(b) of the 1976 Act (application by constable or prosecutor),
  - or
  - (b) under section 5B(1) of that Act (application by prosecutor),
- was made and determined before the appeal was brought.
- (7) On an appeal under this section the Crown Court may vary the conditions of bail.
- (8) Where the Crown Court determines an appeal under this section, the person concerned may not bring any further appeal under this section in respect of the conditions of bail unless an application or a further application to the magistrates' court under section 3(8)(a) of the 1976 Act is made and determined after the appeal.

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**Commencement Information**

**II** S. 16 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, art. 2(1)(2) (subject to art. 2(3)-(6))

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