



Criminal Justice Act 2003

2003 CHAPTER 44

PART 10

RETRIAL FOR SERIOUS OFFENCES

Arrest, custody and bail

90 Bail and custody during and after hearing

- (1) The Court of Appeal may, at any adjournment of the hearing of an application under section 76(1) or (2)—
 - (a) remand the person to whom the application relates on bail, or
 - (b) remand him in custody.
- (2) At a hearing at which the Court of Appeal—
 - (a) makes an order under section 77,
 - (b) makes a declaration under subsection (4) of that section, or
 - (c) dismisses the application or makes a declaration under subsection (3) of that section, if it also gives the prosecutor leave to appeal against its decision or the prosecutor gives notice that he intends to apply for such leave,
the court may make such order as it sees fit for the custody or bail of the acquitted person pending trial pursuant to the order or declaration, or pending determination of the appeal.
- (3) For the purpose of subsection (2), the determination of an appeal is pending—
 - (a) until any application for leave to appeal is disposed of, or the time within which it must be made expires;
 - (b) if leave to appeal is granted, until the appeal is disposed of.
- (4) Section 4 of the Bail Act 1976 (c. 63) applies in relation to the grant of bail under this section as if in subsection (2) the reference to the Crown Court included a reference to the Court of Appeal.

Status: Point in time view as at 25/05/2018.

Changes to legislation: Criminal Justice Act 2003, Section 90 is up to date with all changes known to be in force on or before 07 September 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)

- (5) The court may at any time, as it sees fit—
- (a) revoke bail granted under this section and remand the person in custody, or
 - (b) vary an order under subsection (2).

Commencement Information

- II** S. 90 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 5](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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