
STATUTORY INSTRUMENTS

1994 No. 1480 (L.9)

SUPREME COURT OF ENGLAND AND WALES

The Crown Court (Amendment) Rules 1994

<i>Made</i>	- - - -	<i>26th May 1994</i>
<i>Laid before Parliament</i>		<i>6th June 1994</i>
<i>Coming into force</i>	- -	<i>27th June 1994</i>

We, the Crown Court Rule Committee, in exercise of the powers conferred on us by sections 84(1) and 86 of the Supreme Court Act 1981⁽¹⁾, hereby make the following Rules:

1. These Rules may be cited as the Crown Court (Amendment) Rules 1994 and shall come into force on 27th June 1994.
2. In these Rules, “the principal Rules” means the Crown Court Rules 1982⁽²⁾.
3. At the end of rule 6(1) of the principal Rules, there shall be added— “or under section 1 of the Bail (Amendment) Act 1993”⁽³⁾.
4. After rule 11 of the principal Rules, there shall be inserted the following—

“Part IIIA

APPEALS UNDER THE BAIL (AMENDMENT) ACT 1993

11A.—(1) This rule shall apply where the prosecution appeals under section 1 of the Bail (Amendment) Act 1993 against a decision of a magistrates' court granting bail and in this rule, “the 1993 Act” means that Act and “the person concerned” has the same meaning as in that Act.

(2) The written notice of appeal required by section 1(5) of the 1993 Act shall be in the form prescribed in Schedule 9 or a form to the like effect and shall be served on—

- (a) the clerk of the magistrates' court
- (b) the person concerned.

(3) The appropriate officer of the Crown Court shall enter the appeal and give notice of the time and place of the hearing to—

(1) 1981 c. 54.
(2) S.I.1982/1109: the relevant amending instrument is S.I. 1988/1635.
(3) 1993 c. 26.

- (a) the prosecution
- (b) the person concerned or his legal representative
- (c) the clerk of the magistrates' court.

(4) The person concerned shall not be entitled to be present at the hearing of the appeal unless he is acting in person or, in any other case of an exceptional nature, a judge of the Crown Court is of the opinion that the interests of justice require him to be present and gives him leave to be so.

(5) Where a person concerned has not been able to instruct a solicitor to represent him at the appeal, he may give notice to the Crown Court requesting that the Official Solicitor shall represent him at the appeal, and the court may, if it thinks fit, assign the Official Solicitor to act for the person concerned accordingly.

(6) At any time after the service of written notice of appeal under paragraph (2) above, the prosecution may abandon the appeal by giving notice in writing in the form prescribed in Schedule 10 or a form to the like effect.

(7) The notice of abandonment required by the preceding paragraph shall be served on—

- (a) the person concerned or his legal representative
- (b) the clerk of the magistrates' court
- (c) the appropriate officer of the Crown Court.

(8) Any record required by section 5 of the Bail Act 1976(4) (together with any note of reasons required by subsection (4) of that section to be included) shall be made by way of an entry in the file relating to the case in question and the record shall include the following particulars, namely—

- (a) the effect of the decision;
- (b) a statement of any condition imposed in respect of bail, indicating whether it is to be complied with before or after release on bail;
- (c) where bail is withheld, a statement of the relevant exception to the right to bail (as provided in Schedule 1 to the said Act of 1976) on which the decision is based.

(9) The appropriate officer of the Crown Court shall, as soon as practicable after the hearing of the appeal, give notice of the decision and of the matters required by the preceding paragraph to be recorded to —

- (a) the person concerned or his legal representative
- (b) the prosecution
- (c) the police
- (d) the clerk of the magistrates' court
- (e) the governor of the prison or person responsible for the establishment where the person concerned is being held.

(10) Where the judge hearing the appeal grants bail to the person concerned, the provisions of rule 20 shall apply as if that person had applied to the Crown Court for bail.

(11) In addition to the methods of service permitted by rule 28, the notices required by paragraphs (3), (5), (7) and (9) of this rule may be sent by way of facsimile transmission and the notice required by paragraph (3) may be given by telephone.”.

5. In rule 27(2) of the principal Rules (business in chambers), after sub-paragraph (f), there shall be added—

“(g) hearing appeals under section 1 of the Bail (Amendment) Act 1993.”.

6. There shall be inserted after Schedule 8 to the principal Rules, the Schedules set out in the Schedule to these Rules.

*Mackay of Clashfern, C.
Taylor, C.J.
R. G. Rougier, J.
John Henham
Geoffrey Rivlin
M. McKenzie*

Dated 26th May 1994

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Rule 6

“SCHEDULE 9

Notice of appeal by the prosecution under section 1 of the Bail (Amendment) Act 1993 against the granting of bail

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- ◆ Written notice of appeal must be served within 2 hours of the conclusion of the proceedings in which oral notice of appeal was given (section 1(5))
- ◆ Copies of this notice must be served on the clerk of the magistrates' court and the person concerned (section 1(5))
- ◆ The hearing of the appeal must be commenced within 48 hours from the date on which oral notice of appeal was given (section 1(8))¹

Case Details

The Crown Court at:

Magistrates' Court at:

Magistrates' Court Case Number:

Person concerned:

Surname:

Forenames:

Usual address:

Charges:

Date of grant of bail:

Date and time of giving of oral notice of appeal:

Take notice that, oral notice of appeal against the granting of bail to the aforementioned having been given at the time, date and place set out above, I, a person [conducting a prosecution by or on behalf of the Director of Public Prosecutions*] [within a class or description of persons prescribed for the purposes of section 1 of the Bail (Amendment) Act 1993]* hereby give written notice of appeal in accordance with section 1(5) of that Act.

(*delete inapplicable)

The grounds for this appeal are:

Prosecutor:

Name:

Address:

Date and time of service of notice on clerk of the magistrates' court:

Date of time of service of notice on the person concerned:

¹ The 48 hours excludes weekends, Christmas Day, Good Friday and bank holidays (s.1(8)) and runs from midnight on the day on which oral notice of appeal is given.

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EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make amendments to the Crown Court Rules 1982 to provide for the procedure to be followed where the prosecution appeals, under the Bail (Amendment) Act 1993, to the Crown Court against a decision of the magistrates' court to grant bail.