
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 19

BAIL IN MAGISTRATES' COURTS AND THE CROWN COURT

Transfer of remand hearings

19.13.—(1) Where a magistrates' court, under section 130(1) of the Magistrates' Courts Act 1980(1), orders that an accused who has been remanded in custody be brought up for any subsequent remands before an alternate magistrates' court, the court officer for the first-mentioned court shall, as soon as practicable after the making of the order and in any case within 2 days thereafter (not counting Sundays, Good Friday, Christmas Day or bank holidays), send to the court officer for the alternate court—

- (a) a statement indicating the offence or offences charged;
- (b) a copy of the record made by the first-mentioned court in pursuance of section 5 of the Bail Act 1976 relating to the withholding of bail in respect of the accused when he was last remanded in custody;
- (c) a copy of any representation order previously made in the same case;
- (d) a copy of any application for a representation order;
- (e) if the first-mentioned court has made an order under section 8(2) of the 1980 Act(2) (removal of restrictions on reports of committal proceedings), a statement to that effect.
- (f) a statement indicating whether or not the accused has a solicitor acting for him in the case and has consented to the hearing and determination in his absence of any application for his remand on an adjournment of the case under sections 5, 10(1) and 18(4) of the 1980(3) Act together with a statement indicating whether or not that consent has been withdrawn;
- (g) a statement indicating the occasions, if any, on which the accused has been remanded under section 128(3A) of the 1980 Act(4) without being brought before the first-mentioned court; and
- (h) if the first-mentioned court remands the accused under section 128A(5) of the 1980 Act on the occasion upon which it makes the order under section 130(1) of that Act, a statement indicating the date set under section 128A(2) of that Act.

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- (1) Section 130(1) was amended by section 49 of the Criminal Procedure and Investigations Act 1996 (c. 25), and is further amended by paragraph 51 of Schedule 3 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.
- (2) Section 8(2) was amended by sections 1 of the Criminal Justice (Amendment) Act 1981 (c. 27) and is repealed by paragraph 51 of Schedule 3 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44).
- (3) Section 5 was amended by section 59 of, and paragraph 1(a) of Schedule 9 to, the Criminal Justice Act 1982 (c. 48); section 18(4) was amended by section 59 of, and paragraph 1 of Schedule 9 to, the Criminal Justice Act 1982 (c. 48).
- (4) Section 128(3A) was inserted by section 59 of, and paragraph 4 of Schedule 9 to, the Criminal Justice Act 1982 (c. 48) and amended by section 170(1) of, and Schedule 15 to, the Criminal Justice Act 1988 and sections 49, 52 and 80 of, and Schedule 5 to, the Criminal Procedure and Investigations Act 1996 (c. 25).
- (5) Section 128A was inserted by section 155(1) of the Criminal Justice Act 1988 (c. 33) and amended by section 52(2) and 80 of, and Schedule 5 to, the Criminal Procedure and Investigations Act 1996 (c. 25).

(2) Where the first-mentioned court is satisfied as mentioned in section 128(3A) of the 1980 Act, paragraph (1) shall have effect as if for the words “an accused who has been remanded in custody be brought up for any subsequent remands before” there were substituted the words “applications for any subsequent remands of the accused be made to”.

(3) The court officer for an alternate magistrates' court before which an accused who has been remanded in custody is brought up for any subsequent remands in pursuance of an order made as aforesaid shall, as soon as practicable after the order ceases to be in force and in any case within 2 days thereafter (not counting Sundays, Good Friday, Christmas Day or bank holidays), send to the court officer for the magistrates' court which made the order—

- (a) a copy of the record made by the alternate court in pursuance of section 5 of the 1976 Act relating to the grant or withholding of bail in respect of the accused when he was last remanded in custody or on bail;
- (b) a copy of any representation order made by the alternate court;
- (c) a copy of any application for a representation order made to the alternate court;
- (d) if the alternate court has made an order under section 8(2) of the 1980 Act (removal of restrictions on reports of committal proceedings), a statement to that effect;
- (e) a statement indicating whether or not the accused has a solicitor acting for him in the case and has consented to the hearing and determination in his absence of any application for his remand on an adjournment of the case under sections 5, 10(1) and 18(4) of the 1980 Act together with a statement indicating whether or not that consent has been withdrawn; and
- (f) a statement indicating the occasions, if any, on which the accused has been remanded by the alternate court under section 128(3A) of the 1980 Act without being brought before that court.

(4) Where the alternate court is satisfied as mentioned in section 128(3A) of the 1980 Act paragraph (2) above shall have effect as if for the words “an accused who has been remanded in custody is brought up for any subsequent remands” there shall be substituted the words “applications for the further remand of the accused are to be made”.

[Note. Formerly rule 25 of the Magistrates' Court Rules 1981.]