
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 19

BAIL IN MAGISTRATES' COURTS AND THE CROWN COURT

Lodging an appeal against a grant of bail by a magistrates' court

19.16.—(1) Where the prosecution wishes to exercise the right of appeal, under section 1 of the Bail (Amendment) Act 1993(1), to a judge of the Crown Court against a decision to grant bail, the oral notice of appeal must be given to the justices' clerk and to the person concerned, at the conclusion of the proceedings in which such bail was granted and before the release of the person concerned.

(2) When oral notice of appeal is given, the justices' clerk shall announce in open court the time at which such notice was given.

(3) A record of the prosecution's decision to appeal and the time the oral notice of appeal was given shall be made in the register and shall contain the particulars set out.

(4) Where an oral notice of appeal has been given the court shall remand the person concerned in custody by a warrant of commitment.

(5) On receipt of the written notice of appeal required by section 1(5) of the 1993 Act, the court shall remand the person concerned in custody by a warrant of commitment, until the appeal is determined or otherwise disposed of.

(6) A record of the receipt of the written notice of appeal shall be made in the same manner as that of the oral notice of appeal under paragraph (3).

(7) If, having given oral notice of appeal, the prosecution fails to serve a written notice of appeal within the two hour period referred to in section 1(5) of the 1993 Act the justices' clerk shall, as soon as practicable, by way of written notice (served by a court officer) to the persons in whose custody the person concerned is, direct the release of the person concerned on bail as granted by the magistrates' court and subject to any conditions which it imposed.

(8) If the prosecution serves notice of abandonment of appeal on a court officer, the justices' clerk shall, forthwith, by way of written notice (served by the court officer) to the governor of the prison where the person concerned is being held, or the person responsible for any other establishment where such a person is being held, direct his release on bail as granted by the magistrates' court and subject to any conditions which it imposed.

(9) A court officer shall record the prosecution's failure to serve a written notice of appeal, or its service of a notice of abandonments.

(10) Where a written notice of appeal has been served on a magistrates' court officer, he shall provide as soon as practicable to a Crown Court officer a copy of that written notice, together with—

- (a) the notes of argument made by the court officer for the court under rule 19.10; and

(1) 1993 c. 26; section 1 was amended by section 200 of, and Schedule 4 to, the Extradition Act 2003 (c. 41) and is further amended by section 18 of the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.

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(b) a note of the date, or dates, when the person concerned is next due to appear in the magistrates' court, whether he is released on bail or remanded in custody by the Crown Court.

(11) References in this rule to “the person concerned” are references to such a person within the meaning of section 1 of the 1993 Act.

[Note. Formerly rule 93A of the Magistrates' Courts Rules 1981.]