
STATUTORY INSTRUMENTS

2008 No. 3269

The Criminal Procedure (Amendment No. 2) Rules 2008

Amendments to the Criminal Procedure Rules 2005

7. In Part 19 (Bail in magistrates' courts and the Crown Court)—
- (a) in the table of contents—
 - (i) from the entry for rule 19.1, omit “police”,
 - (ii) after the entry for rule 19.24, insert, in the first column, “Grant of bail subject to a condition of residence” and, in the second column, “rule 19.25”;
 - (b) from the heading to rule 19.1 (Application to a magistrates' court to vary conditions of police bail), omit “police”;
 - (c) in rule 19.1—
 - (i) in rule 19.1(1), after “1984”, insert “, to vary conditions of police bail,”,
 - (ii) from the end of rule 19.1(1)(d), omit “and”,
 - (iii) in rule 19.1(1)(e), after “custody”, insert “; and (f) specify the address at which the applicant would reside, if the court imposed a condition of residence”,
 - (iv) in rule 19.1(3), after “shall serve”, insert “not less than 24 hours”,
 - (v) after rule 19.1(4), insert—
 - “(5) A party who wants a magistrates' court to vary or to impose conditions of bail under section 3(8) of the Bail Act 1976(1), must—
 - (a) serve notice, not less than 24 hours before the hearing at which that party intends to apply, on—
 - (i) the court officer, and
 - (ii) the other party; and
 - (b) in that notice—
 - (i) specify the variation or conditions proposed, and
 - (ii) explain the reasons.”, and
 - (vi) for rule 19.1(7), substitute—
 - “(7) The court may—
 - (a) vary or waive a time limit under paragraph (3) or (5) of this rule; and
 - (b) allow a notice to be—
 - (i) in a different form to one set out in the Practice Direction, or
 - (ii) given orally.”;

(1) 1976 c. 63; section 3(8) was amended by section 65 of, and Schedule 12 to, the Criminal Law Act 1977 (c. 45). It was amended, in respect of cases sent for trial under section 51A(3)(d) of the Crime and Disorder Act 1998 (c. 37), by section 41 of, and paragraph 48 of Schedule 3 to, the Criminal Justice Act 2003 (c. 44). It is to be amended by section 41 of, and paragraph 48 of Schedule 3 to, the Criminal Justice Act 2003 (c. 44) for remaining purposes, from a date to be appointed.

Status: This is the original version (as it was originally made).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

- (d) at the end of the note after rule 19.1 (Application to a magistrates' court to vary conditions of bail), insert “The Practice Direction sets out a form for use in connection with this rule.”; and
- (e) after rule 19.24 (Forfeiture of recognizances in respect of person bailed to appear before the Crown Court), insert—

“Grant of bail subject to a condition of residence—

19.25.—(1) The defendant must notify the prosecutor of the address at which the defendant would reside if released on bail with a condition of residence—

- (a) as soon as practicable after the institution of proceedings, unless already done; and
- (b) as soon as practicable after any change of that address.

(2) The prosecutor must help the court to assess the suitability of an address proposed as a condition of residence.

[Note. Under section 4 of the Bail Act 1976(2), the general rule, subject to exceptions, is that a defendant must be granted bail. Schedule 1 to the Act sets out some of the exceptions. Paragraph 5 of that Schedule allows a court to withhold bail if satisfied that it has not been practicable, for want of time since the institution of the proceedings, to obtain sufficient information for it to take the decisions required by that Schedule.]”.

(2) 1976 c. 63; section 4 was amended by section 154 of, and paragraph 145 of Schedule 7 to, the Magistrates' Courts Act 1980 (c. 43), section 168 of, and paragraphs 32 and 33 of Schedule 10 to, the Criminal Justice and Public Order Act 1994 (c. 33), section 58 of the Criminal Justice and Court Services Act 2000 (c. 43), sections 198 and 220 of, and Schedule 4 to, the Extradition Act 2003 (c. 41), section 304 of, and paragraphs 20 and 22 of Schedule 32 to, the Criminal Justice Act 2003 (c. 44) and section 42 of, and paragraph 34 of Schedule 13 to, the Police and Justice Act 2006 (c. 48). It is to be amended by sections 6 and 148 of, and paragraph 23 of Schedule 4 and Part 1 of Schedule 28 to, the Criminal Justice and Immigration Act 2008 (c. 4).