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STATUTORY INSTRUMENTS

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**2009 No. 992**

**The Court Martial Appeal Court (Bail) Order 2009**

**Conditions of bail - supplementary provisions**

9.—(1) Where the Court—

- (a) grants bail under this Order,
- (b) appoints a time or place or a different time or place for a person granted bail under this Order to surrender to custody, or
- (c) varies any conditions of bail or imposes conditions in respect of bail under this Order,

the Court shall make a record of the decision in writing containing the particulars prescribed by paragraph (2) and, if requested to do so by the person in relation to whom the decision was taken, shall cause him to be given a copy of the record of the decision as soon as practicable after the record is made.

(2) The record required by paragraph (1) shall be made by way of an entry in a 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; and
- (c) where conditions of bail are varied, a statement of the conditions as varied.

(3) Where a person has given security in pursuance of article 7(4)(b), and the Court is satisfied that he failed to surrender to custody then, unless it appears that he had reasonable cause for his failure, the Court may order the forfeiture of the security.

(4) If the Court orders the forfeiture of a security under paragraph (3), the Court may declare that the forfeiture extends to such amount less than the full value of the security as the Court thinks fit to order.

(5) An order under paragraph (3) shall, unless previously revoked, take effect at the end of 21 days beginning with the day on which it is made.

(6) Where the Court has ordered the forfeiture of a security under paragraph (3), the Court may, if satisfied on an application made by or on behalf of the person who gave it that he did after all have reasonable cause for his failure to surrender to custody, by order remit the forfeiture or declare that it extends to such amount less than the full value of the security as the Court thinks fit to order.

(7) An application under paragraph (6) may be made before or after the order for forfeiture has taken effect, but shall not be entertained unless the Court is satisfied that the Director of Service Prosecutions was given reasonable notice of the applicant's intention to make it.

(8) A security which has been ordered to be forfeited by the Court under paragraph (3) shall, to the extent of the forfeiture—

- (a) if it consists of money, be accounted for and paid in the same manner as a fine imposed by the Court Martial would be;
- (b) if it does not consist of money, be enforced by such court as may be specified in the order.

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(9) Where an order is made under paragraph (6) after the order for forfeiture of the security in question has taken effect, any money which would have fallen to be repaid or paid over to the person who gave the security if the order under paragraph (6) has been made before the order for forfeiture took effect shall be repaid or paid over to him.