
STATUTORY INSTRUMENTS

2010 No. 60

The Criminal Procedure Rules 2010

PART 68

APPEAL TO THE COURT OF APPEAL ABOUT CONVICTION OR SENTENCE

Conditions of bail pending appeal or retrial

68.9.—(1) This rule applies where the court grants a party bail pending appeal or retrial subject to any condition that must be met before that party is released.

(2) The court may direct how such a condition must be met.

(3) The Registrar must serve a certificate in the form set out in the Practice Direction recording any such condition and direction on—

- (a) that party;
- (b) that party's custodian; and
- (c) any other person directly affected by any such direction.

(4) A person directly affected by any such direction need not comply with it until the Registrar serves that person with that certificate.

(5) Unless the court otherwise directs, if any such condition or direction requires someone to enter into a recognizance it must be—

- (a) in the form set out in the Practice Direction and signed before—
 - (i) the Registrar,
 - (ii) the custodian, or
 - (iii) someone acting with the authority of the Registrar or custodian;

(b) copied immediately to the person who enters into it; and

(c) served immediately by the Registrar on the appellant's custodian or vice versa, as appropriate.

(6) Unless the court otherwise directs, if any such condition or direction requires someone to make a payment, surrender a document or take some other step—

- (a) that payment, document or step must be made, surrendered or taken to or before—
 - (i) the Registrar,
 - (ii) the custodian, or
 - (iii) someone acting with the authority of the Registrar or custodian;

(b) the Registrar or the custodian, as appropriate, must serve immediately on the other a statement that the payment, document or step has been made, surrendered or taken, as appropriate.

(7) The custodian must release the appellant where it appears that any condition ordered by the court has been met.

(8) For the purposes of section 5 of the Bail Act 1976⁽¹⁾ (record of decision about bail), the Registrar must keep a copy of—

- (a) any certificate served under paragraph (3);
- (b) a notice of hearing given under rule 65.7(1); and
- (c) a notice of the court’s decision served under rule 65.7(2).

(9) Where the court grants bail pending retrial the Registrar must serve on the Crown Court officer copies of the documents kept under paragraph (8).

(1) 1976 c. 63; section 5 was amended by section 65 of, and Schedule 12 to, the Criminal Law Act 1977 (c. 45), section 60 of the Criminal Justice Act 1982 (c. 48), paragraph 1 of Schedule 3 to the Criminal Justice and Public Order Act 1994 (c. 33), paragraph 53 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), section 129(1) of the Criminal Justice and Police Act 2001 (c. 16), paragraph 182 of Schedule 8 to the Courts Act 2003 (c. 39) and paragraph 48 of Schedule 3 to, and Parts 2 and 12 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44). The amendments in Schedule 3 of the 2003 Act are in force in relation to certain cases only. It is further amended by sections 41, 331 and 332 of, and paragraph 48 of Schedule 3, paragraphs 1 and 2 of Schedule 36, and Part 4 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44) and section 208 of, and paragraphs 33 and 35 of Schedule 21 to, the Legal Services Act 2007 (c. 27), with effect from dates to be appointed.