
STATUTORY INSTRUMENTS

2011 No. 1709

The Criminal Procedure Rules 2011

PART 19

BAIL IN MAGISTRATES' COURTS AND THE CROWN COURT

Crown Court procedure on appeal against grant of bail by a magistrates' court

19.17.—(1) This rule shall apply where the prosecution appeals under section 1 of the Bail (Amendment) Act 1993 against a decision of a magistrates' court granting bail and in this rule, 'the person concerned' has the same meaning as in that Act.

(2) The written notice of appeal required by section 1(5) of the 1993 Act shall be in the form set out in the Practice Direction and shall be served on—

- (a) the magistrates' court officer; and
- (b) the person concerned.

(3) The Crown Court officer shall enter the appeal and give notice of the time and place of the hearing to—

- (a) the prosecution;
- (b) the person concerned or his legal representative; and
- (c) the magistrates' court officer.

(4) The person concerned shall be entitled to be present at the hearing of the appeal.

(5) Where a person concerned has not been able to instruct a solicitor to represent him at the appeal, he may give notice to the Crown Court requesting that the Official Solicitor shall represent him at the appeal, and the court may, if it thinks fit, assign the Official Solicitor to act for the person concerned accordingly.

(6) At any time after the service of written notice of appeal under paragraph (2), the prosecution may abandon the appeal by giving notice in writing in the form set out in the Practice Direction.

(7) The notice of abandonment required by the preceding paragraph shall be served on—

- (a) the person concerned or his legal representative;
- (b) the magistrates' court officer; and
- (c) the Crown Court officer.

(8) Any record required by section 5 of the Bail Act 1976 (together with any note of reasons required by subsection (4) of that section to be included) shall be made by way of an entry in the 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 bail is withheld, a statement of the relevant exception to the right to bail (as provided in Schedule 1 to the 1976 Act) on which the decision is based.

(9) The Crown Court officer shall, as soon as practicable after the hearing of the appeal, give notice of the decision and of the matters required by the preceding paragraph to be recorded to—

- (a) the person concerned or his legal representative;
- (b) the prosecution;
- (c) the police;
- (d) the magistrates' court officer; and
- (e) the governor of the prison or person responsible for the establishment where the person concerned is being held.

(10) Where the judge hearing the appeal grants bail to the person concerned, the provisions of rule 19.18(9) (informing the Court of any earlier application for bail) and rule 19.22 (conditions attached to bail granted by the Crown Court) shall apply as if that person had applied to the Crown Court for bail.

(11) The notices required by paragraphs (3), (5), (7) and (9) of this rule may be served under rule 4.6 (service by fax, e-mail or other electronic means) and the notice required by paragraph (3) may be given by telephone.

(12) The Crown Court may hear an appeal to which this rule applies in public or in private.

[Note. Under sections 57A and 57B of the Crime and Disorder Act 1998(1), the person concerned is to be treated as present in court when, by virtue of a live link direction within the meaning of those sections, that person attends a hearing through a live link.]

(1) 1998 c. 37; sections 57A to 57E were substituted for section 57 as originally enacted, by section 45 of the Police and Justice Act 2006 (c. 48). Section 57A was amended by section 109 of the Coroners and Justice Act 2009 (c. 25) and section 57B was amended by section 106 of the Coroners and Justice Act 2009 (c. 25).