
STATUTORY INSTRUMENTS

2014 No. 1610

The Criminal Procedure Rules 2014

PART 19

BAIL AND CUSTODY TIME LIMITS

SECTION 2: BAIL

Reconsideration of police bail by magistrates' court

19.6.—(1) This rule applies where a party wants a magistrates' court to reconsider a bail decision by a police officer.

(2) An application under this rule must be made to—

- (a) the magistrates' court to whose custody the defendant is under a duty to surrender, if any; or
- (b) any magistrates' court acting for the police officer's local justice area, in any other case.

(3) The applicant party must—

- (a) apply in writing; and
- (b) serve the application on—
 - (i) the court officer,
 - (ii) the other party, and
 - (iii) any surety affected or proposed.

(4) The application must—

- (a) specify—
 - (i) the decision that the applicant wants the court to make,
 - (ii) each offence charged, or for which the defendant was arrested, and
 - (iii) the police bail decision to be reconsidered and the reasons given for it;
- (b) explain, as appropriate—
 - (i) why the court should grant bail itself, or withdraw it, or impose or vary a condition, and
 - (ii) if the applicant is the prosecutor, what material information has become available since the police bail decision was made;
- (c) propose the terms of any suggested condition of bail; and
- (d) if the applicant wants an earlier hearing than paragraph (7) requires, ask for that, and explain why it is needed.

(5) A prosecutor who applies under this rule must serve on the defendant, with the application, notice that the court has power to withdraw bail and, if the defendant is absent when the court makes its decision, order the defendant's arrest.

- (6) A party who opposes an application must—
- (a) so notify the court officer and the applicant at once; and
 - (b) serve on each notice of the reasons for opposition.
- (7) Unless the court otherwise directs, the court officer must arrange for the court to hear the application as soon as practicable and in any event—
- (a) if it is an application to withdraw bail, no later than the second business day after it was served;
 - (b) in any other case, no later than the fifth business day after it was served.
- (8) The court may—
- (a) vary or waive a time limit under this rule;
 - (b) allow an application to be in a different form to one set out in the Practice Direction;
 - (c) if rule 19.2 allows, determine without a hearing an application to vary a condition.

[Note. The Practice Direction sets out a form of application for use in connection with this rule.

Under section 5B of the Bail Act 1976(1)—

- (a) *where a defendant has been charged with an offence which can be tried in the Crown Court; or*
- (b) *in an extradition case,*

on application by the prosecutor a magistrates' court may withdraw bail granted by a constable, impose conditions of bail, or vary conditions of bail. See also sections 37, 37C(2)(b), 37CA(2)(b), 46A and 47(1B) of the Police and Criminal Evidence Act 1984(2).

Under section 43B of the Magistrates' Courts Act 1980(3), where a defendant has been charged with an offence, on application by the defendant a magistrates' court may grant bail itself, in substitution for bail granted by a custody officer, or vary the conditions of bail granted by a custody officer. See also sections 37, 37C(2)(b), 37CA(2)(b), 46A and 47(1C), (1D) of the Police and Criminal Evidence Act 1984(4).

Under section 47(1E) of the Police and Criminal Evidence Act 1984(5), where a defendant has been released on bail by a custody officer without being charged with an offence, on application

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- (1) 1976 c. 63; section 5B was inserted by section 30 of the Criminal Justice and Public Order Act 1994 (c. 33) and amended by section 129(3) of the Criminal Justice and Police Act 2001 (c. 16), section 109 of, and paragraph 183 of Schedule 8 and Schedule 10 to, the Courts Act 2003 (c. 39) and section 198 of the Extradition Act 2003 (c. 41).
 - (2) 1984 c. 60; section 37 was amended by section 108(7) of, and Schedule 15 to, the Children Act 1989 (c. 41), sections 72 and 101(2) of, and Schedule 13 to, the Criminal Justice Act 1991 (c. 53), sections 29(4) and 168(3) of, and Schedule 11 to, the Criminal Justice and Public Order Act 1994 (c. 33), section 28 of, and paragraphs 1 and 2 of Schedule 2 to, the Criminal Justice Act 2003 (c. 44), section 23(1) of, and paragraphs 1 and 2 of Schedule 1 to, the Drugs Act 2005 (c. 17) and sections 11 and 52 of, and paragraph 9 of Schedule 14 to, the Police and Justice Act 2006 (c. 48). Section 37C was inserted by section 28 of, and paragraphs 1 and 3 of Schedule 2 to, the Criminal Justice Act 2003 (c. 44). Section 37CA was inserted by section 10 of, and paragraphs 1 and 8 of Schedule 6 to, the Police and Justice Act 2006 (c. 48). Section 46A was inserted by section 29 of the Criminal Justice and Public Order Act 1994 (c. 33), and amended by section 28 of, and paragraphs 1 and 5 of Schedule 2 to, the Criminal Justice Act 2003 (c. 44), sections 10 and 46 of, and paragraphs 1 and 7 of Schedule 6 to, the Police and Justice Act 2006 (c. 48) and sections 107 and 178 of, and Part 3 of Schedule 3 to, the Coroners and Justice Act 2009 (c. 25). Section 47(1B) was inserted by section 28 of, and paragraphs 1 and 6 of Schedule 2 to, the Criminal Justice Act 2003 (c. 44) and amended by section 10 of, and paragraphs 1 and 11 of Schedule 6 to, the Police and Justice Act 2006 (c. 48).
 - (3) 1980 c. 43; section 43B was inserted by section 27 of, and paragraph 3 of Schedule 3 to, the Criminal Justice and Public Order Act 1994 (c. 33).
 - (4) 1984 c. 60; section 47(1C) and (1D) were inserted by section 28 of, and paragraphs 1 and 6 of Schedule 2 to, the Criminal Justice Act 2003 (c. 44), and section 47(1C) was amended by section 10 of, and paragraphs 1 and 11 of Schedule 6 to, the Police and Justice Act 2006 (c. 48).
 - (5) 1984 c. 60; section 47(1E) was inserted by section 28 of, and paragraphs 1 and 6 of Schedule 2 to, the Criminal Justice Act 2003 (c. 44).

by the defendant a magistrates' court may vary any conditions of that bail. See also sections 37, 37C(2)(b), 37CA(2)(b), 46A and 47(1C) of the Act.]