
STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 14

BAIL AND CUSTODY TIME LIMITS

GENERAL RULES

When this Part applies

14.1.—(1) This Part applies where—

- (a) a magistrates' court or the Crown Court can—
 - (i) grant or withhold bail, or impose or vary a condition of bail, and
 - (ii) where bail has been withheld, extend a custody time limit;
 - (b) a magistrates' court can monitor and enforce compliance with a supervision measure imposed in another European Union member State.
- (2) In this Part, 'defendant' includes a person who has been granted bail by a police officer.

[Note. See in particular—

- (a) *the Bail Act 1976***(1)**;
- (b) *section 128 of the Magistrates' Courts Act 1980***(2)** (*general powers of magistrates' courts in relation to bail*);
- (c) *section 81 of the Senior Courts Act 1981***(3)** (*general powers of the Crown Court in relation to bail*);
- (d) *section 115 of the Coroners and Justice Act 2009***(4)** (*exclusive power of the Crown Court to grant bail to a defendant charged with murder*);

(1) 1976 c. 63.

(2) 1980 c. 43; section 128 was amended by section 59 to, and paragraphs 2, 3 and 4 of Schedule 9 to, the Criminal Justice Act 1982 (c. 48), section 48 of the Police and Criminal Evidence Act 1984 (c. 60), section 170(1) of, and paragraphs 65 and 69 of Schedule 15 to, the Criminal Justice Act 1988 (c. 33), section 125(3) of, and paragraph 25 of Schedule 18 to, the Courts and Legal Services Act 1990 (c. 41), sections 49, 52 and 80 of, and Schedule 5 to, the Criminal Procedure and Investigations Act 1996 (c. 25), paragraph 75 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) and paragraph 51 of Schedule 3 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44). It is modified by section 91(5) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).

(3) 1981 c. 54; section 81(1) was amended by sections 29 and 60 of the Criminal Justice Act 1982 (c. 48), section 15 of, and paragraph 2 of Schedule 12 to, the Criminal Justice Act 1987 (c. 38), section 168 of, and paragraph 19 of Schedule 9 and paragraph 48 of Schedule 10 to, the Criminal Justice and Public Order Act 1994 (c. 33), section 119 of, and paragraph 48 of Schedule 8 and Schedule 10 to, the Crime and Disorder Act 1998 (c. 37), section 165 of, and paragraph 87 of Schedule 9 and Schedule 12 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), paragraph 54 of Schedule 3, paragraph 4 of Schedule 36 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44), articles 2 and 6 of S.I. 2004/1033 and section 177(1) of, and paragraph 76 of Schedule 21 to, the Coroners and Justice Act 2009 (c. 25).

(4) 2009 c. 25.

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

- (e) *Part 7 of the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014*⁽⁵⁾, which gives effect to Council Framework Decision 2009/829/JHA of 23rd October, 2009, on the application, between member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention (bail conditions pending trial);
- (f) *section 22 of the Prosecution of Offences Act 1985*⁽⁶⁾ (provision for custody time limits); and
- (g) *the Prosecution of Offences (Custody Time Limits) Regulations 1987*⁽⁷⁾ (maximum periods during which a defendant may be kept in custody pending trial).

At the end of this Part there is—

- (a) *a summary of the general entitlement to bail, and of the exceptions to that entitlement; and*
- (b) *a list of the types of supervision measure to which Part 7 of the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 applies, and a list of the grounds for refusing to monitor and enforce such a measure.]*

(5) S.I. 2014/3141.

(6) 1985 c. 23; section 22 was amended by paragraph 104 of Schedule 15 to the Criminal Justice Act 1988 (c. 33), section 43 of the Crime and Disorder Act 1998 (c. 37), paragraph 36 of Schedule 11 to the Criminal Justice Act 1991 (c. 53), paragraph 27 of Schedule 9 to the Criminal Justice and Public Order Act 1994 (c. 33), section 71 of the Criminal Procedure and Investigations Act 1996 (c. 25), section 67(3) of the Access to Justice Act 1999 (c. 22), section 70 of, and paragraph 57 of Schedule 3 and paragraphs 49 and 51 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44), section 59 of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4) and paragraph 22 of Schedule 12 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).

(7) S.I. 1987/299; amended by sections 71 and 80 of, and paragraph 8 of Schedule 5 to, the Criminal Procedure and Investigations Act 1996 (c. 25) and S.I. 1989/767, 1991/1515, 1995/555, 1999/2744, 2000/3284, 2012/1344.