
STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 14

BAIL AND CUSTODY TIME LIMITS

BAIL

Bail condition to be enforced in another European Union member State

14.16.—(1) This rule applies where the court can impose as a condition of bail pending trial a requirement—

- (a) with which the defendant must comply while in another European Union member State; and
- (b) which that other member State can monitor and enforce.

(2) The court—

- (a) must not exercise its power to impose such a requirement until the court has decided what, if any, condition or conditions of bail to impose while the defendant is in England and Wales;
- (b) subject to that, may exercise its power to make a request for the other member State to monitor and enforce that requirement.

(3) Where the court makes such a request, the court officer must—

- (a) issue a certificate requesting the monitoring and enforcement of the defendant's compliance with that requirement, in the form required by EU Council Framework Decision 2009/829/JHA;
- (b) serve on the relevant authority of the other member State—
 - (i) the court's decision or a certified copy of that decision,
 - (ii) the certificate, and
 - (iii) a copy of the certificate translated into an official language of the other member State, unless English is such a language or the other member State has declared that it will accept a certificate in English; and

(c) report to the court—

- (i) any request for further information returned by the competent authority in the other member State, and
- (ii) that authority's decision.

(4) Where the competent authority in the other member State agrees to monitor and enforce the requirement—

- (a) the court—

- (i) may exercise its power to withdraw the request (where it can), but
- (ii) whether or not it does so, must continue to exercise the powers to which this Part applies in accordance with the rules in this Part;
- (b) the court officer must immediately serve notice on that authority if—
 - (i) legal proceedings are brought in relation to the requirement being monitored and enforced
 - (ii) the court decides to vary or revoke that requirement, or to issue a warrant for the defendant’s arrest; and
- (c) the court officer must promptly report to the court any information and any request received from that authority.

[Note. See regulations 77 to 84 of the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014(1).

Where a defendant is to live or stay in another European Union member State pending trial in England and Wales, the court may grant bail subject to a requirement to be monitored and enforced by the competent authority in that other state. The types of requirement that can be monitored and enforced are set out in Article 8 of EU Council Framework Decision 2009/829/JHA. A list of those requirements is at the end of this Part.

Under regulation 80 of the 2014 Regulations, where the conditions listed in that regulation are met the court may withdraw a request for the competent authority in another member State to monitor and enforce the defendant’s compliance with a requirement.]