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STATUTORY INSTRUMENTS

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**2015 No. 1490**

**The Criminal Procedure Rules 2015**

**PART 14**

**BAIL AND CUSTODY TIME LIMITS**

*GENERAL RULES*

**Exercise of court's powers to which this Part applies**

- 14.2.**—(1) The court must not make a decision to which this Part applies unless—
- (a) each party to the decision and any surety directly affected by the decision—
    - (i) is present, in person or by live link, or
    - (ii) has had an opportunity to make representations;
  - (b) on an application for bail by a defendant who is absent and in custody, the court is satisfied that the defendant—
    - (i) has waived the right to attend, or
    - (ii) was present when a court withheld bail in the case on a previous occasion and has been in custody continuously since then;
  - (c) on a prosecutor's appeal against a grant of bail, application to extend a custody time limit or appeal against a refusal to extend such a time limit—
    - (i) the court is satisfied that a defendant who is absent has waived the right to attend, or
    - (ii) the court is satisfied that it would be just to proceed even though the defendant is absent.
- (2) The court may make a decision to which this Part applies at a hearing, in public or in private.
- (3) The court may determine without a hearing an application to vary a condition of bail if—
- (a) the parties to the application have agreed the terms of the variation proposed; or
  - (b) on an application by a defendant, the court determines the application no sooner than the fifth business day after the application was served.
- (4) The court may adjourn a determination to which this Part applies, if that is necessary to obtain information sufficient to allow the court to make the decision required.
- (5) At any hearing at which the court makes one of the following decisions, the court must announce in terms the defendant can understand (with help, if necessary) its reasons for—
- (a) withholding bail, or imposing or varying a bail condition;
  - (b) granting bail, where the prosecutor opposed the grant; or
  - (c) where the defendant is under 18—
    - (i) imposing or varying a bail condition when ordering the defendant to be detained in local authority accommodation, or

- (ii) ordering the defendant to be detained in youth detention accommodation.
- (6) At any hearing at which the court grants bail, the court must—
  - (a) tell the defendant where and when to surrender to custody; or
  - (b) arrange for the court officer to give the defendant, as soon as practicable, notice of where and when to surrender to custody.

*[Note. See section 5 of the Bail Act 1976 and sections 93(7) and 102(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(1).*

*Under sections 57A and 57B of the Crime and Disorder Act 1998(2) and under regulation 79(3) of the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014(3), a defendant is to be treated as present in court when, by virtue of a live link direction within the meaning of those provisions, he or she attends a hearing through a live link.*

*Under section 91 of the 2012 Act, instead of granting bail to a defendant under 18 the court may—*

- (a) *remand him or her to local authority accommodation and, after consulting with that authority, impose on the defendant a condition that the court could impose if granting bail; or*
- (b) *remand him or her to youth detention accommodation, if the defendant is at least 12 years old and the other conditions, about the offence and the defendant, prescribed by the Act are met.]*

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(1) 2012 c. 10.

(2) 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), and amended by sections 106, 109 and 178 of, and Part 3 of Schedule 23 to, the Coroners and Justice Act 2009 (c. 25). Section 57A was further amended by paragraphs 36 and 39 of Schedule 12 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).

(3) S.I. 2014/3141.