
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 19

BAIL IN MAGISTRATES' COURTS AND THE CROWN COURT

Application to a magistrates' court to vary conditions of police bail

- 19.1.**—(1) An application under section 43B(1) of the Magistrates' Courts Act of 1980(1) shall—
- (a) be made in writing;
 - (b) contain a statement of the grounds upon which it is made;
 - (c) specify the offence with which the applicant was charged before his release on bail;
 - (d) specify, or be accompanied by a copy of the note of, the reasons given by the custody officer for imposing or varying the conditions of bail; and
 - (e) specify the name and address of any surety provided by the applicant before his release on bail to secure his surrender to custody.
- (2) Any such application shall be sent to the court officer for—
- (a) the magistrates' court (if any) appointed by the custody officer as the court before which the applicant has a duty to appear; or
 - (b) if no such court has been appointed, a magistrates' court acting for the local justice area in which the police station at which the applicant was granted bail or at which the conditions of his bail were varied, as the case may be, is situated,
and, in either case, a copy shall be sent to a custody officer appointed for that police station.
- (3) The court officer to whom an application is sent under paragraph (2) above shall send a notice in writing of the date, time and place fixed for the hearing of the application to—
- (a) the applicant;
 - (b) the prosecutor; and
 - (c) any surety in connection with bail in criminal proceedings granted to, or the conditions of which were varied by a custody officer in relation to, the applicant.
- (4) The time fixed for the hearing shall be not later than 72 hours after receipt of the application. In reckoning for the purposes of this paragraph any period of 72 hours, no account shall be taken of Christmas Day, Good Friday, any bank holiday, or any Saturday or Sunday.
- (5) Any notice required by this rule to be sent to any person shall either be delivered to him or be sent by post in a letter and, if sent by post to the applicant or a surety of his, shall be addressed to him at his last known or usual place of abode.

(1) 1980 c. 43; section 43B was inserted by paragraph 3 of Schedule 3 to the Criminal Justice and Public Order Act 1994 (c. 33).

Status: This is the original version (as it was originally made).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

(6) If the magistrates' court hearing an application under section 43B(1) of the 1980 Act discharges or enlarges any recognizance entered into by any surety or increases or reduces the amount in which that person is bound, the court officer shall forthwith give notice thereof to the applicant and to any such surety.

(7) In this rule, "the applicant" means the person making an application under section 43B(1) of the 1980 Act.

[Note. Formerly rule 84A of the Magistrates' Courts Rules 1981(2). See also section 43B of the Magistrates' Courts Act 1980.]

(2) S.I. 1981/552; amending instruments relevant to this Part are S.I. 1983/523, 1984/1552, 1985/1944, 1988/2132, 1992/2072, 1993/1183, 1994/1481, 1995/585, 2000/3361, 2001/167, 2001/610 and 2003/1236.