
STATUTORY INSTRUMENTS

1989 No. 1341

**The Police and Criminal Evidence
(Northern Ireland) Order 1989**

PART V

DETENTION

Detention—miscellaneous

Bail after arrest

48.—(1) A person who is released on bail shall be subject to a duty—

- (a) to appear before a magistrates' court at such time and at such place as the custody officer may appoint; or
- (b) to attend at such police station at such time as the custody officer may appoint.

(2) The time to be appointed under paragraph (1) shall be either the date of the next petty sessions at the place appointed or a date not later than 28 days from the date on which the person is released.

(3) The custody officer may require a person who is to be released on bail, to enter into a recognisance conditioned upon—

- (a) his subsequent appearance before a magistrates' court in accordance with sub-paragraph (a) of paragraph (1); or
- (b) his subsequent attendance at a police station in accordance with sub-paragraph (b) of that paragraph,

as the case may be.

(4) A recognisance under paragraph (3) may be taken before the custody officer.

(5) A person entering into a recognisance to appear before a magistrates' court in accordance with sub-paragraph (a) of paragraph (1) shall be deemed for the purpose of Articles 48 and 49 of the Magistrates' Courts (Northern Ireland) Order 1981⁽¹⁾ to have been remanded on bail.

(6) Paragraphs (7) to (11) apply to a person who is released on bail (with or without entering into a recognisance) subject to a duty to attend at a police station in accordance with sub-paragraph (b) of paragraph (1).

(7) The custody officer may give notice in writing to such a person as is mentioned in paragraph (6) that his attendance at the police station is not required.

(8) Where it appears to the custody officer that such a person is, by reason of illness or other unavoidable cause, unable to appear at the police station at the time appointed, the custody officer may extend the time for such further period as may appear reasonable in the circumstances.

(9) Where a person is detained under Article 38(3), any time during which he was in police detention prior to being granted bail shall be included as part of any period which falls to be calculated under this Part.

(10) Nothing in this Article shall prevent the re-arrest without warrant of such a person as is mentioned in paragraph (6) if new evidence justifying a further arrest has come to light since his release.

(11) Where such a person is re-arrested, the provisions of this Part shall apply to him as they apply to a person arrested for the first time.

(12) In Article 129 of the Magistrates' Courts (Northern Ireland) Order 1981, for paragraph (2) there shall be substituted the following paragraph—

“(2) Where a warrant has been endorsed for bail under paragraph (1)—

- (a) where the person arrested is to be released on bail on his entering into a recognizance without sureties, it shall not be necessary to take him to a police station, but if he is so taken, he shall be released from custody on his entering into the recognizance; and
- (b) where he is to be released on his entering into a recognizance with sureties, he shall be taken to a police station on his arrest, and the custody officer there shall (subject to his approving any surety tendered in compliance with the endorsement) release him from custody as directed in the endorsement.”.

(13) In this Part “bail” means bail granted in accordance with this Article.