
STATUTORY INSTRUMENTS

2003 No. 1247

The Criminal Justice (Northern Ireland) Order 2003

PART II

BAIL IN CRIMINAL PROCEEDINGS

Arrest for absconding or breaking conditions of bail

6.—(1) If a person who has been released on bail and is under a duty to surrender into the custody of a court fails to surrender to custody at the time appointed for him to do so, the court may issue a warrant for his arrest.

(2) If a person who has been released on bail absents himself from the court at any time after he has surrendered into the custody of the court and before the court is ready to begin or to resume the hearing of the proceedings, the court may issue a warrant for his arrest; but no warrant shall be issued under this paragraph where that person is absent in accordance with permission given to him by or on behalf of the court.

(3) A constable may arrest without warrant any person who has been released on bail and is under^{F1} a duty to surrender into the custody of a court]

- (a) if the constable has reasonable grounds for believing that that person is not likely to surrender to custody;
- (b) if the constable has reasonable grounds for believing that that person is likely to break any of the conditions of his bail or has reasonable grounds for suspecting that that person has broken any of those conditions; or
- (c) in a case where that person was released on bail with one or more surety or sureties, if a surety notifies a constable in writing that that person is unlikely to surrender to custody and that for that reason the surety wishes to be relieved of his obligations as a surety.

^{F1}(3A) If, on an application made by a constable, a justice of the peace is satisfied that—

- (a) there are reasonable grounds for believing that a person who is liable to arrest under paragraph (3) is to be found on the premises specified in the application; and
- (b) any of the conditions specified in paragraph (3B) is satisfied,

he may issue a warrant authorising a constable to enter those premises (if need be by force) and search them for the purpose of arresting that person.

(3B) The conditions mentioned in paragraph (3A) are—

- (a) that it is not practicable to communicate with any person entitled to grant entry to the premises;
- (b) that entry to the premises will not be granted unless a warrant is produced;
- (c) that the purpose of a search of the premises may be frustrated or seriously prejudiced unless a constable arriving at the premises can secure immediate entry to them.]

Changes to legislation: *The Criminal Justice (Northern Ireland) Order 2003, Section 6 is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) A person who is arrested under paragraph (3) shall be brought before a magistrates' court as soon as practicable after the arrest and in any event not later than the next day following the day on which he is arrested.

(5) Where the day next following the day on which that person is arrested is Christmas Day, Good Friday or a Sunday, he shall be brought before a magistrates' court not later than the next following day which is not one of those days.

[^{F1}(5A) Paragraphs (4) and (5) do not require a person to be brought before a magistrates' court at any time when he is in hospital and is not well enough.]

(6) Where a person is brought before a magistrates' court under paragraph (4) the court—

(a) if of the opinion that he—

(i) is not likely to surrender to custody, or

(ii) has broken or is likely to break any condition of his bail,

may remand him in custody or commit him to custody, as the case may require, or alternatively, grant him bail subject to the same or to different conditions; or

(b) if not of that opinion, shall grant him bail subject to the same conditions (if any) as were originally imposed.

(7) Paragraph (6) is subject to Articles 12 and 13 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (NI 9) (release on bail or remand in custody of child).

F1 2004 c. 4

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Commencement Orders yet to be applied to the The Criminal Justice (Northern Ireland) Order 2003

Commencement Orders bringing legislation that affects this Order into force:

- [S.R. 2016/387 art. 2 commences \(2015 c. 9 \(N.I.\)\)](#)