
STATUTORY RULES OF NORTHERN IRELAND

1979 No. 90

The Crown Court Rules (Northern Ireland) 1979

PART III

BAIL

Interpretation

7. In this Part, save where the context otherwise requires,—

“application” means an application to the Court in relation to bail;

“surrender to custody” means, in relation to a person released on bail, surrendering himself into the custody of the Court or other proper authority (according to the requirements of the order admitting him to bail) at the time and place appointed for him to do so.

Applications in relation to bail

8.—(1) Every application, other than an application during a trial before the Court, shall be made by delivering to the office of the chief clerk at Belfast a notice setting out the grounds of the application and referring to any earlier application to the Court, the High Court or a magistrates' court in the same proceedings.

(2) An application by a defendant shall be in Form 1 in the schedule and an application by any other person shall be in Form 1A.

(3) The chief clerk on receiving the notice shall—

- (a) give a copy thereof to the prosecutor, unless he is the applicant, and at the same time inform him by telephone of the terms of the notice;
- (b) where the application has been made by the prosecutor or a surety in respect of a defendant who is on bail, give a copy of the notice to that defendant; and
- (c) subject to any direction of the Court, list the application for hearing for a time not later than 7 days from the date on which he received the notice and inform the defendant and the prosecutor and, where he is the applicant, the surety of the time and place of the hearing.

(4) The hearing shall be at Belfast unless the chief clerk at Belfast, subject to and in accordance with directions of a judge, arranges otherwise.

Admission to bail

9.—(1) Where a defendant is admitted to bail under rule 8, the chief clerk shall forthwith file the order admitting the defendant to bail, and such order shall be in Form 2 in the schedule.

(2) The chief clerk shall give a copy of the order to the defendant by handing it to the person having custody of him.

Security instead of recognizances

10. The Court may, instead of requiring a person to enter into a recognizance, consent to his giving other security, and such security may be given by that person or on his behalf.

Persons to take recognizances

11.—(1) The Court may direct that a recognizance shall be entered into or other security given before—

- (a) a magistrates' court;
- (b) a clerk of petty sessions;
- (c) an officer of the Court;
- (d) in cases to which section 51(7)(a) of the Act applies, the officer in charge of the police station to which a defendant is taken or a police officer of the rank of inspector or above; or
- (e) where the person admitted to bail is in a prison or other place of detention, the governor or keeper of that place.

(2) Where the Court gives no direction under paragraph (1), a recognizance may, where the statutory conditions are satisfied, be entered into before any of the persons specified in that paragraph.

Manner in which recognizance is to be entered into

12.—(1) A recognizance may be entered into or security given before a person specified in rule 11(1) on the production to him of a copy of the order admitting the defendant to bail with or without sureties of such number and amount as the Court may direct.

(2) Where, in pursuance of an order of the Court, a recognizance is entered into or other security given before any person, it shall be his duty to cause the recognizance or, as the case may be, a statement of the other security given to be transmitted forthwith to the chief clerk; and a copy of the recognizance or statement shall at the same time be sent to the governor or keeper of the prison or other place of detention in which the person named in the order was detained, unless the recognizance was entered into or other security given before such governor or keeper.

Estreat of recognizance

13. Where a recognizance has been entered into by or in respect of a defendant admitted to bail to appear before the Court and it appears to the Court that default has been made in performing the conditions of the recognizance, the Court may either of its own motion or on the application of the prosecutor order the recognizance to be estreated in any such sum not exceeding the amount of the recognizance as it thinks fit to order.

Forfeiture of security

14.—(1) Where security has been given by or on behalf of a defendant for his surrender to custody and the Court is satisfied that he failed to surrender to custody, then, unless it appears to the Court that he had reasonable cause for his failure, the Court may either of its own motion or on the application of the prosecutor order the forfeiture of the security in any such sum not exceeding the value thereof as it thinks fit to order.

(2) A security which has been ordered to be forfeited under paragraph (1) shall to the extent of the forfeiture—

- (a) if it consists of money, be accounted for and paid in the same manner as a fine imposed by the Court would be; and

- (b) if it does not consist of money, be enforced by such magistrates' court as may be specified in the order.

Procedure for estreat or forfeiture

15. Where the Court is to consider making an order under rule 13 or 14, the chief clerk shall give notice to that effect to the person by whom the recognizance was entered into or security given, indicating the time and place at which the matter will be considered, and no such order shall be made before the expiration of 7 days after the notice required by this paragraph has been given.

Recommittal

16. If a defendant has been released on bail and, on the application of the prosecutor or a surety, it appears to the Court that—

- (a) he has failed to surrender to custody;
- (b) he is in breach of any condition of his bail; or
- (c) he is unlikely to surrender to custody,

the Court may order that he be recommitted to custody and issue a warrant for his arrest.

Variation of order admitting to bail

17. Where the Court has admitted a defendant to bail, it may, on application by the defendant or the prosecutor or a surety,—

- (a) vary or dispense with any conditions of bail or impose conditions in respect of bail to which the defendant has been admitted unconditionally;
- (b) increase or reduce the amount in which the defendant or any surety is bound; or
- (c) require sureties or additional sureties or dispense with any surety.

Postponement of taking recognizances

18. The Court may, on making an order admitting to bail, direct that the taking of recognizances be postponed for such period as the Court thinks fit.