
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 41

RETRIAL FOLLOWING ACQUITTAL FOR SERIOUS OFFENCE

Bail or custody hearings in the Crown Court

41.5.—(1) Rules 19.18, 19.22 and 19.23 shall apply where a person is to appear or be brought before the Crown Court pursuant to sections 88 or 89 of the Criminal Justice Act 2003⁽¹⁾ (with the modification as set out in paragraph (2)), as if they were applications under rule 19.18(1).

(2) Substitute the following for Rule 19.18:

“Where a person is to appear or be brought before the Crown Court pursuant to sections 88 or 89 of the Criminal Justice Act 2003, the prosecutor must serve notice of the need for such a hearing on the court officer.”

(3) Where a person is to appear or be brought before the Crown Court pursuant to sections 88 or 89 of the 2003 Act the Crown Court may order that the person shall be released from custody on entering into a recognizance, with or without sureties, or giving other security before—

(a) the Crown Court officer; or

(b) any other person authorised by virtue of section 119(1) of the Magistrates' Courts Act 1980⁽²⁾ to take a recognizance where a magistrates' court having power to take the recognizance has, instead of taking it, fixed the amount in which the principal and his sureties, if any, are to be bound.

(4) The court officer shall forward to the Registrar a copy of any record made in pursuance of section 5(1) of the Bail Act 1976⁽³⁾.

(1) 2003 c. 44.

(2) 1980 c. 43.

(3) 1976 c. 63; section 5(1) was amended by section 27 of and paragraph 1(a) of Schedule 3 to the Criminal Justice and Public Order Act 1994 (c. 33), and is further amended by Part 12 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.