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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 14**

**BAIL AND CUSTODY TIME LIMITS**

*CUSTODY TIME LIMITS*

**Application to extend a custody time limit**

**14.18.**—(1) This rule applies where the prosecutor gives notice of application to extend a custody time limit.

(2) The court officer must arrange for the court to hear that application as soon as practicable after the expiry of—

- (a) 5 days from the giving of notice, in the Crown Court; or
- (b) 2 days from the giving of notice, in a magistrates' court.

(3) The court may shorten a time limit under this rule.

*[Note. See regulation 7 of the Prosecution of Offences (Custody Time Limits) Regulations 1987(1).*

*Under regulations 4 and 5 of the 1987 Regulations(2), unless the court extends the time limit the maximum period during which the defendant may be in pre-trial custody is—*

- (a) *in a case which can be tried only in a magistrates' court, 56 days pending the beginning of the trial;*
- (b) *in a magistrates' court, in a case which can be tried either in that court or in the Crown Court—*
  - (i) *70 days, pending the beginning of a trial in the magistrates' court, or*
  - (ii) *56 days, pending the beginning of a trial in the magistrates' court, if the court decides on such a trial during that period;*
- (c) *in the Crown Court, pending the beginning of the trial, 182 days from the sending of the defendant for trial, less any period or periods during which the defendant was in custody in the magistrates' court.*

*Under section 22(3) of the Prosecution of Offences Act 1985(3), the court cannot extend a custody time limit which has expired, and must not extend such a time limit unless satisfied—*

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- (1) *S.I. 1987/299; regulation 7 was amended by S.I. 1989/767.*
  - (2) *S.I. 1987/299; regulation 4 was amended by section 71 of the Criminal Procedure and Investigations Act 1996 (c. 25) and S.I. 1989/767, 1991/1515, 1999/2744. Regulation 5 was amended by sections 71 and 80 of, and paragraph 8 of Schedule 5 to, the Criminal Procedure and Investigations Act 1996 (c. 25) and S.I. 1989/767, 1991/1515, 2000/3284, 2012/1344.*
  - (3) *1985 c. 23; section 22 was amended by paragraph 104 of Schedule 15 to the Criminal Justice Act 1988 (c. 33), section 43 of the Crime and Disorder Act 1998 (c. 37), paragraph 36 of Schedule 11 to the Criminal Justice Act 1991 (c. 53), paragraph 27 of Schedule 9 to the Criminal Justice and Public Order Act 1994 (c. 33), section 71 of the Criminal Procedure and Investigations Act 1996 (c. 25), section 67(3) of the Access to Justice Act 1999 (c. 22), section 70 of, and paragraph 57 of Schedule 3 and paragraphs 49 and 51 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44), section 59 of, and*

- (a) *that the need for the extension is due to—*
  - (i) *the illness or absence of the accused, a necessary witness, a judge or a magistrate,*
  - (ii) *a postponement which is occasioned by the ordering by the court of separate trials in the case of two or more defendants or two or more offences, or*
  - (iii) *some other good and sufficient cause; and*
- (b) *that the prosecution has acted with all due diligence and expedition.]*

### **Appeal against custody time limit decision**

**14.19.**—(1) This rule applies where—

- (a) a defendant wants to appeal to the Crown Court against a decision by a magistrates' court to extend a custody time limit; or
- (b) a prosecutor wants to appeal to the Crown Court against a decision by a magistrates' court to refuse to extend a custody time limit.

(2) The appellant must serve an appeal notice—

- (a) on—
  - (i) the other party to the decision,
  - (ii) the Crown Court officer, and
  - (iii) the magistrates' court officer;
- (b) in a defendant's appeal, as soon as practicable after the decision under appeal; and
- (c) in a prosecutor's appeal—
  - (i) as soon as practicable after the decision under appeal, and
  - (ii) before the relevant custody time limit expires.

(3) The appeal notice must specify—

- (a) each offence with which the defendant is charged;
- (b) the decision under appeal;
- (c) the date on which the relevant custody time limit will expire;
- (d) on a defendant's appeal, the date on which the relevant custody time limit would have expired but for the decision under appeal; and
- (e) the grounds of appeal.

(4) The Crown Court officer must arrange for the Crown Court to hear the appeal as soon as practicable and in any event no later than the second business day after the appeal notice was served.

(5) The appellant—

- (a) may abandon an appeal without the Crown Court's permission, by serving a notice of abandonment, signed by or on behalf of the appellant, on—
  - (i) the other party,
  - (ii) the Crown Court officer, and
  - (iii) the magistrates' court officer
 before the hearing of the appeal begins; but
- (b) after the hearing of the appeal begins, may only abandon the appeal with the Crown Court's permission.

*[Note. See section 22(7), (8), (9) of the Prosecution of Offences Act 1985(4).]*

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(4) 1985 c. 23; section 22(7) and (8) was amended by section 43 of the Crime and Disorder Act 1998 (c. 37).