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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.]*