
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 14

BAIL AND CUSTODY TIME LIMITS

GENERAL RULES

General duties of court officer

- 14.4.**—(1) The court officer must arrange for a note or other record to be made of—
- (a) the parties' representations about bail; and
 - (b) the court's reasons for a decision—
 - (i) to withhold bail, or to impose or vary a bail condition,
 - (ii) to grant bail, where the prosecutor opposed the grant, or
 - (iii) on an application to which rule 14.21 applies (Application to authorise extension of pre-charge bail).
- (2) The court officer must serve notice of a decision about bail on—
- (a) the defendant (but, in the Crown Court, only where the defendant's legal representative asks for such a notice, or where the defendant has no legal representative);
 - (b) the prosecutor (but only where the court granted bail, the prosecutor opposed the grant, and the prosecutor asks for such a notice);
 - (c) a party to the decision who was absent when it was made;
 - (d) a surety who is directly affected by the decision;
 - (e) the defendant's custodian, where the defendant is in custody and the decision requires the custodian—
 - (i) to release the defendant (or will do so, if a requirement ordered by the court is met), or
 - (ii) to transfer the defendant to the custody of another custodian; and
 - (f) the court officer for any other court at which the defendant is required by that decision to surrender to custody.
- (3) Where the court postpones the date on which a defendant who is on bail must surrender to custody, the court officer must serve notice of the postponed date on—
- (a) the defendant; and
 - (b) any surety.

(4) Where a magistrates' court withholds bail in a case to which section 5(6A) of the Bail Act 1976(1) applies (remand in custody after hearing full argument on an application for bail), the court officer must serve on the defendant a certificate that the court heard full argument.

(5) Where the court determines without a hearing an application to which rule 14.21 applies (Application to authorise extension of pre-charge bail), the court officer must—

- (a) if the court allows the application, notify the applicant; and
- (b) if the court refuses the application, notify the applicant and the defendant.

[Note. See section 5 of the Bail Act 1976(2); section 43 of the Magistrates' Courts Act 1980(3); and section 52 of the Mental Health Act 1983(4).]

-
- (1) 1976 c. 63; section 5(6A) was inserted by section 60 of the Criminal Justice Act 1982 (c. 48) and amended by section 165 of, and paragraph 53 of Schedule 9 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) and by paragraph 48 of Schedule 3, paragraphs 1 and 2 of Schedule 36, and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44).
 - (2) 1976 c. 63; section 5 was amended by section 65 of, and Schedule 12 to, the Criminal Law Act 1977 (c. 45), section 60 of the Criminal Justice Act 1982 (c. 48), paragraph 1 of Schedule 3 to the Criminal Justice and Public Order Act 1994 (c. 33), paragraph 53 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), section 129(1) of the Criminal Justice and Police Act 2001 (c. 16), paragraph 182 of Schedule 8 to the Courts Act 2003 (c. 39), paragraph 48 of Schedule 3, paragraphs 1 and 2 of Schedule 36, and Parts 2, 4 and 12 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) and section 208 of, and paragraphs 33 and 35 of Schedule 21 to, the Legal Services Act 2007 (c. 27).
 - (3) 1980 c. 43; section 43 was substituted by section 47 of the Police and Criminal Evidence Act 1984 (c. 60) and amended by paragraph 43 of Schedule 10 to the Criminal Justice and Public Order Act 1994 (c. 33) and paragraph 206 of Schedule 8 to the Courts Act 2003 (c. 39).
 - (4) 1983 c. 20; section 52 was amended by paragraph 55 of Schedule 3 and Schedule 37 to the Criminal Justice Act 2003 (c. 44), section 11 of the Mental Health Act 2007 (c. 12) and paragraphs 53 and 57 of Schedule 21 to the Legal Services Act 2007 (c. 29).