
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 14

BAIL AND CUSTODY TIME LIMITS

BAIL

Defendant's application or appeal to the Crown Court after magistrates' court bail decision

14.8.—(1) This rule applies where a defendant wants to—

- (a) apply to the Crown Court for bail after a magistrates' court has withheld bail; or
- (b) appeal to the Crown Court after a magistrates' court has refused to vary a bail condition as the defendant wants.

(2) The defendant must—

- (a) apply to the Crown Court in writing as soon as practicable after the magistrates' court's decision; and
- (b) serve the application on—
 - (i) the Crown Court officer,
 - (ii) the magistrates' court officer,
 - (iii) the prosecutor, and
 - (iv) any surety affected or proposed.

(3) The application must—

- (a) specify—
 - (i) the decision that the applicant wants the Crown Court to make, and
 - (ii) each offence charged;
- (b) explain—
 - (i) as appropriate, why the Crown Court should not withhold bail, or why it should vary the condition under appeal, and
 - (ii) what further information or legal argument, if any, has become available since the magistrates' court's decision;
- (c) propose the terms of any suggested condition of bail;
- (d) if the applicant wants an earlier hearing than paragraph (6) requires, ask for that, and explain why it is needed; and
- (e) on an application for bail, attach a copy of the certificate of full argument served on the defendant under rule 14.4(4).

(4) The magistrates' court officer must as soon as practicable serve on the Crown Court officer—

- (a) a copy of the note or record made under rule 14.4(1) in connection with the magistrates' court's decision; and
 - (b) the date of the next hearing, if any, in the magistrates' court.
- (5) A prosecutor who opposes the application must—
- (a) so notify the Crown Court officer and the defendant at once; and
 - (b) serve on each notice of the reasons for opposition.
- (6) Unless the Crown Court otherwise directs, the court officer must arrange for the court to hear the application or appeal as soon as practicable and in any event no later than the business day after it was served.
- (7) The Crown Court may vary a time limit under this rule.

[Note. The Practice Direction sets out a form of application for use in connection with this rule.

Under section 81 of the Senior Courts Act 1981(1), the Crown Court may grant bail in a magistrates' court case in which the magistrates' court has withheld bail.

Under section 16 of the Criminal Justice Act 2003(2), a defendant may appeal to the Crown Court against a bail condition imposed by a magistrates' court only where—

- (a) *the condition is one that the defendant must—*
 - (i) *live and sleep at a specified place, or away from a specified place,*
 - (ii) *give a surety or a security,*
 - (iii) *stay indoors between specified hours,*
 - (iv) *comply with electronic monitoring requirements, or*
 - (v) *make no contact with a specified person; and*
- (b) *the magistrates' court has determined an application by either party to vary that condition.*

In an extradition case, where a magistrates' court withholds bail or imposes bail conditions, on application by the defendant the High Court may grant bail, or vary the conditions, under section 22 of the Criminal Justice Act 1967(3). For the procedure in the High Court, see Schedule 1 to the Civil Procedure Rules 1998 (RSC Order 79)(4).]

(1) 1981 c. 54; section 81(1) was amended by sections 29 and 60 of the Criminal Justice Act 1982 (c. 48), section 15 of, and paragraph 2 of Schedule 12 to, the Criminal Justice Act 1987 (c. 38), section 168 of, and paragraph 19 of Schedule 9 and paragraph 48 of Schedule 10 to, the Criminal Justice and Public Order Act 1994 (c. 33), section 119 of, and paragraph 48 of Schedule 8 and Schedule 10 to, the Crime and Disorder Act 1998 (c. 37), section 165 of, and paragraph 87 of Schedule 9 and Schedule 12 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), paragraph 54 of Schedule 3, paragraph 4 of Schedule 36 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44), articles 2 and 6 of S.I. 2004/1033 and section 177(1) of, and paragraph 76 of Schedule 21 to, the Coroners and Justice Act 2009 (c. 25).

(2) 2003 c. 44.

(3) 1967 c. 80; section 22 was amended by section 56 of, and paragraph 48 of Schedule 8 and Schedule 11 to, the Courts Act 1971 (c. 23), section 12 of, and paragraphs 36 and 37 of Schedule 2 and Schedule 3 to, the Bail Act 1976 (c. 63), section 65 of, and Schedules 12 and 13 to, the Criminal Law Act 1977 (c. 45), paragraph 15 of Schedule 10 to the Criminal Justice and Public Order Act 1994 (c. 33), sections 17 and 332 of, and Schedule 37 to, the Criminal Justice Act 2003 (c. 44) and section 42 of, and paragraph 27 of Schedule 13 to, the Police and Justice Act 2006 (c. 48).

(4) S.I. 1998/3132; Schedule 1 RSC Order 79 was amended by S.I. 1999/1008, 2001/256, 2003/3361 and 2005/617.