

Jersey

CRIMINAL PROCEDURE (BAIL) RULES 2019¹

Official Consolidated Version

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CRIMINAL PROCEDURE (BAIL) RULES 2019

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CRIMINAL PROCEDURE (BAIL) RULES 2019

THE SUPERIOR NUMBER OF THE ROYAL COURT makes these Rules under Article 21 of the [Criminal Procedure \(Bail\) \(Jersey\) Law 2017](#), Article 13 of the [Royal Court \(Jersey\) Law 1948](#) and Article 29 of the [Magistrate's Court \(Miscellaneous Provisions\) \(Jersey\) Law 1949](#) –

Commencement [[see endnotes](#)]

1 Interpretation

- (1) In these Rules, “Law” means the [Criminal Procedure \(Bail\) \(Jersey\) Law 2017](#).
- (2) Rules 1/3, 1/4 and 1/5 of the [Royal Court Rules 2004](#) apply with respect to any period fixed by these Rules, with any reference to the “the Court and the Viscount” in that Rule 1/5 to be read as a reference to a court within the meaning of Article 1(1) of the Law.

Forfeiture of security

2 Form of application to show reasonable excuse

The prescribed form for an application under Article 13(4) of the Law (to show that the defendant had a reasonable excuse for his or her failure to surrender to custody) is set out in Schedule 1.

Sureties

3 Address for service

- (1) A person who agrees to stand as surety under Article 12 of the Law must, before the person is approved by the court as a surety, provide an address for service in Jersey to that court.
- (2) A surety may change his or her address for service in Jersey by providing the new address to that court.

4 Form and content of summons

The prescribed form and content for a summons of a surety under Article 14(2) or (3) of the Law (for the surety to appear before the court to show cause as to why he or she should not be required to pay the amount in which he or she is bound) is set out in Schedule 2.

5 Service of summons

- (1) Subject to an order of the court, a summons of a surety under Article 14(2) or (3) of the Law may be served on the surety by –
 - (a) leaving it at the most recent address for service provided by the surety under Rule 3;
 - (b) posting it to that address;
 - (c) emailing it, or otherwise sending it electronically, to the surety, if the surety has agreed to receiving it by email or other electronic means; or
 - (d) leaving it with the surety.
- (2) A summons served by post under paragraph (1)(b) is deemed to have been served on the second day after the day on which it was posted, with that second day to be determined without taking into account any days on which there is no collection or delivery of letters.

6 Timing of service

A summons must be served under Rule 5 at least 4 clear days before the day on which the surety is required to appear before the court.

7 Declaration that summons is invalid

The court summoning the surety to appear before it may declare that a summons is invalid if it has not been served in accordance with these Rules.

8 Setting aside order made in absence of surety

- (1) If, in the absence of a surety, a court makes an order under Article 14(6) of the Law that an amount shall be forfeited, the surety may apply to the court to have the order set aside.
- (2) The application must be supported by an affidavit stating the reasons on which the applicant relies to have the order set aside.
- (3) The court may set aside the order if the court is satisfied that it is in the interests of justice to do so.

9 Recovery of forfeited amount

- (1) An order, made under Article 14(6) of the Law, that an amount shall be forfeited authorises the Viscount –
 - (a) to distrain on the movables of the surety including, subject to paragraph (2), by arrest on the surety's wages; and

- (b) to apply the movables, or the proceeds from their sale (at a public auction or a valuation), towards satisfying the amount that is forfeited and the costs incurred by the Viscount.
- (2) If the court makes an order under Article 14(6) of the Law that an amount shall be forfeited, the court must either –
 - (a) establish the maximum weekly amount that may be the subject of an arrest on the surety's wages; or
 - (b) direct that no arrest of the surety's wages may take place.
- (3) A sale of the distrained movables may take place without the leave of the court if the Viscount is satisfied that the surety is aware of the making of the distraint.
- (4) If the Viscount is not satisfied that the surety is aware of the making of the distraint –
 - (a) the leave of the court must be obtained for the sale of the distrained movables; and
 - (b) unless the court directs otherwise or the surety requests otherwise, the sale must not take place before the expiration of 15 days after the day on which the court grants leave for the sale.
- (5) The Viscount must, in respect of any proposed sale of the distrained movables, ensure that –
 - (a) notice of the name and address of the surety and of the proposed sale of the distrained movables is published in the Jersey Gazette not less than 10 days before the date fixed for the sale; and
 - (b) notice of the place and date fixed for the sale and of all particulars relating to it is published in the Jersey Gazette not less than 2 days before that date.
- (6) If the information referred to in paragraph (5)(b) is not published at the same time as the information referred to in paragraph (5)(a), the name and address of the surety must be included as part of the notice referred to in paragraph (5)(b).

Certification of copies of decisions to grant bail

10 Certification by Judicial Greffier

A copy of the part of the decision of a court to grant a defendant bail which relates to the time and place appointed for the defendant to surrender to custody is certified for the purposes of Article 20(6) of the Law if the Judicial Greffier, after comparing the copy to the part of the decision –

- (a) sets out the name of the defendant on the copy;
- (b) affirms in writing on the copy that it is a true copy of that part of the decision; and
- (c) signs and dates the copy.


*Citation and coming into force***11 Citation and commencement**

These Rules may be cited as the Criminal Procedure (Bail) Rules 2019 and come into force 7 days after the day on which the [Criminal Procedure \(Bail\) \(Jersey\) Law 2017](#) (Appointed Day) Act 201- is passed.

SCHEDULE 1

(Rule 2)

APPLICATION TO SHOW REASONABLE EXCUSE FOR FAILURE TO SURRENDER TO CUSTODY

	<p align="center">APPLICATION TO SHOW REASONABLE EXCUSE FOR FAILURE TO SURRENDER TO CUSTODY</p> <p align="center"><i>Article 13(4) Criminal Procedure (Bail) (Jersey) Law 2017</i></p>
<p>A. To be completed by the Greffier:</p> <p align="center">To be heard at the Court on (Date) at (Time)</p>	
<p>B. To be completed by the Applicant:</p> <p>1. Applicant</p> <p>Surname: First Name(s).....</p> <p>Date of birth: Age:</p> <p>Bail address.....</p> <p>..... Postcode</p> <p>Email address:</p> <p>Contact telephone number(s):</p> <p>Name of Defendant (if not the Applicant)</p> <p>2. Special requirements</p> <p>Do you need an interpreter or have other special needs?</p> <p>If so, detail:</p> <p>3. Representation (if any)</p> <p>Name of Advocate:</p> <p>Firm:</p> <p>Telephone number:</p>	
1	FBS1

4. Bail history of the Defendant

Charge(s):.....

Date bail granted:.....

Attach a copy of current bail form (the record of the decision to grant bail).

Amount of security provided: £.....

Who paid the security?

When should the Defendant have attended the Magistrate's Court/Royal Court?

Date: Time:

What is the Defendant's reasonable excuse for not attending Court when required?

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.....

.....

Declaration

To the best of my knowledge and belief the contents of this application are true and this application discloses all the information that is relevant to what the Court must decide.

Signed by the Applicant:

Name:

Date:

SCHEDULE 2

(Rule 4)

SUMMONS OF A SURETY

To A.B. of(address)

You are required to appear in the (court),(address),
on.....(day of the week), the day of 20..., at
o'clock in the (morning/afternoon), at the instance of (court)
to show cause why you should not be required, in accordance with Article 14 of the
[Criminal Procedure \(Bail\) \(Jersey\) Law 2017](#), to pay the amount of
(amount) pounds in which you are bound as surety in respect of the prosecution
brought against (defendant) for (charge(s)), the defendant
having failed to (details of failure to surrender to custody or
to comply with conditions).

If you do not appear, judgment requiring you to pay up to that amount may be given in
your absence.

(Signed)

Dated the day of, 20...

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Criminal Procedure (Bail) Rules 2019	R&O.51/2019	24 July 2019 (R&O.62/2019)	

Project available at statesassembly.gov.je

Table of Endnote References

¹

These Rules were repealed by the Criminal Procedure (Consequential and Supplementary Amendments) (Jersey) Regulations 2021 on 1 October 2021