4. These Rules may be cited as the Rules of the Supreme Court (No. 3) 1949 and shall come into operation on the eleventh day of January, 1950.

Dated the 21st day of December, 1949.

Jowitt, C.
Goddard, C.J.
F. James Tucker, L.J.
F. L. C. Hodson, J.
H. B. Vaisey, J.
Gerald R. Upjohn.
James MacMillan.
L. S. Holmes.
W. Charles Norton.

The Rules of the Supreme Court (Criminal Proceedings), 1949

1949 No. 721 (L. 6)

Made - - - -	11*th April*, 1949
Laid before Parliament	12*th April*, 1949
Coming into Operation	18*th April*, 1949

We, the Rule Committee of the Supreme Court, hereby make the following Rules:—

1. For Rules 13 and 13A of the Rules of the Supreme Court (Criminal Proceedings), 1938(a), there shall be substituted the following Rule:—

Application for bail, admission to bail, and re-committal.

" 13.—(1) Subject to the provisions of this Rule, every application to the High Court for bail in any criminal proceeding where the defendant is in custody shall be made by summons before a judge in chambers to show cause why the defendant should not be admitted to bail.

(2) The summons shall, at least twenty-four hours before the day named therein for the hearing of the application, be served on the prosecutor and on the Director of Public Prosecutions, if the prosecution is being carried on by him.

(3) Subject to the provisions of paragraph (5) of this Rule, every application shall be supported by affidavit and shall be accompanied by an affidavit of the service of the summons, a certified copy of the commitment and, in the case of a person committed for trial, a copy verified by affidavit of any depositions taken in the proceedings:

Provided that the judge may, if he thinks fit, dispense with the requirement to furnish a copy of the commitment and depositions.

(4) Where a defendant in custody who desires to apply for bail is unable through lack of means to instruct a solicitor, he may give notice in writing to the judge in chambers stating his desire to apply for bail and requesting that the Official Solicitor shall act for him in the application, and the judge may, if he thinks fit, assign the Official Solicitor to act for the applicant accordingly.

(a) S.R. & O. 1938 (No. 1576) II, p. 3154 ; and *see* S.R. & O. 1940 (No. 924) I, p. 990 and S.I. 1948 (No. 2781) I, p. 4032.

(5) Where the Official Solicitor has been so assigned the judge may, if he thinks fit, dispense with the requirements of paragraphs (1) to (3) of this Rule and deal with the application in a summary manner.

(6) Where in any criminal proceeding a judge in chambers orders that a person shall be released from custody on entering into a recognizance, with or without sureties, or giving other security before a justice of the peace, the recognizance of the defendant and any surety shall be entered into, or the other security given, before such justice in the same manner as if it were entered into or given under the Summary Jurisdiction Acts.

(7) Where in pursuance of an order of a judge in chambers a recognizance is entered into or other security given before a justice of the peace, it shall be the duty of the justice to cause the recognizance of the defendant and any surety, or, as the case may be, a statement of the other security given, to be transmitted forthwith—

(*a*) in the case of a committal for trial, to the clerk of the court to which the defendant stands committed;

(*b*) in any other case, to the clerk of the court which committed the defendant;

and, unless the recognizance is entered into at the prison, a copy of such recognizance or statement shall at the same time be sent to the governor of the prison in which the defendant is detained.

(8) Where in pursuance of an order as aforesaid a person is released from custody on entering into a recognizance or giving other security before a justice of the peace for his appearance before a court of summary jurisdiction, and in breach of his undertaking fails to appear, the recognizance, or, as the case may be, payment of any sum due in respect of the security, may be enforced by that court in manner respectively provided in sections 9 and 23 of the Summary Jurisdiction Act, 1879(a).

(9) Where in pursuance of an order of a judge in chambers or of a court of quarter sessions a person is released on bail in any criminal proceeding pending the determination of an appeal to the High Court or application for an order of certiorari, then, upon the abandonment of the appeal or application, or upon the decision of the High Court being given, any justice (being a justice acting for the same petty sessional division or place as the court of summary jurisdiction by which that person was convicted or sentenced) may issue process for enforcing the decision in respect of which such appeal or application was brought or, as the case may be, the decision of the High Court."

2. For the forms in the Appendix to the said Rules there shall be substituted the forms in the Schedule hereto.

(a) 42 & 43 Vict. c. 49.

3. These Rules may be cited as the Rules of the Supreme Court (Criminal Proceedings), 1949, and shall come into operation on the eighteenth day of April, 1949.

Dated the 11th day of April, 1949.

Jowitt, C.
Goddard, C.J.
Greene, M.R.
F. James Tucker, L.J.
F. L. C. Hodson, J.
H. B. Vaisey, J.
G. Justin Lynskey, J.
Cyril Radcliffe.
James MacMillan.
Douglas T. Garrett.

SCHEDULE

FORM No. 1

Summons to admit to Bail in a Criminal Proceeding

In the High Court of Justice,
King's Bench Division.

Let all parties concerned attend the Judge in Chambers on the day of , 19 , at the hour of in the noon, on the hearing of an application on behalf of A.B. to be admitted to bail as to his/her commitment by the court of summary jurisdiction [*or* examining justices] [*or* coroner for the [county] of] sitting at [*or* court of quarter sessions for the [county] of] on the day of , 19 .

Dated the day of , 19 .

This summons was taken out by C.D. of ,
Agent for G.H. of ,

Solicitor for the said A.B.

Notice:—This summons must be served on the prosecutor.

FORM No. 2

Order to admit Prisoner to Bail

In the High Court of Justice,

King's Bench Division.

The Honourable Mr. Justice , Judge in Chambers.

Whereas A.B. was on the day of , 19 ,

brought before the court of summary jurisdiction [examining justices] sitting at charged with and was remanded in custody to appear before the said court [justices] on the day of , 19 , at the hour of in the noon:

[*or* committed in custody by the examining justices [coroner for the [county] of] sitting at to the next assizes [quarter sessions] for the [county] of to take his/her trial on a charge of [*or* an inquisition charging him/her with]

[*or* convicted by the court of summary jurisdiction sitting at of and sentenced to and the said A.B. has given notice of appeal to quarter sessions against such conviction [*or* sentence]:]

[*or* convicted by the court of summary jurisdiction sitting at of and sentenced to and, on the dismissal of his/her appeal to the court of quarter sessions for the [county] of against such conviction [*or* sentence], the said A.B. has applied to the said court of quarter sessions under section 20 of the Criminal Justice Act, 1925, to have a case stated for the opinion of the High Court on a point of law:]

[*or* convicted by the court of summary jurisdiction sitting at of and sentenced to and the said A.B. has applied to the said court for the statement of a case for the opinion of the High Court on a point of law:]

[*or* convicted by the court of summary jurisdiction sitting at of and sentenced to and the said A.B. has applied to the High Court [for leave to make an application] for an order of certiorari to remove the proceedings of the said court of summary jurisdiction into the High Court:]

And whereas the said A.B. has applied to the Judge in Chambers to be admitted to bail:

Upon hearing counsel [*or* the solicitor] for the said A.B. and upon reading the affidavit of , &c., filed the day of , 19 :

It is ordered that upon the said A.B. giving security [by his/her own recognizance] in the sum of , with [*two*] sufficient sureties in the sum of each, before a justice of the peace [*or* before a Judge in Chambers]—

for the personal appearance of the said A.B. on the day of , 19 , at the hour of in the noon, before the court of summary jurisdiction [examining justices] sitting at to answer the said charge,

[*or* for the personal appearance of the said A.B. at the next court of assize [quarter sessions] for the [county] of to take his/her trial upon any indictment brought against him/her in respect of the said charge [*or* upon the said inquisition],]

[*or* for the personal appearance of the said A.B., on such date and at such time and place as may be notified to him/her by the clerk of the peace, at the hearing of his/her said appeal to the court of quarter sessions for the [county] of ,]

[*or* for the personal appearance of the said A.B. (unless the judgment of the High Court otherwise directs) at the quarter sessions at which under section 25 of the Supreme Court of Judicature (Consolidation) Act, 1925, the judgment of the High Court on the hearing of his/her said appeal is entered, or his/her appeal to quarter sessions is entered for rehearing, as the case may be,]

[*or* for the personal appearance of the said A.B. (unless the determination of the court of summary jurisdiction is reversed by the judgment of the High Court on the case stated) before the court of summary jurisdiction sitting at within ten days after the judgment of the High Court shall have been given,]

[*or* for the personal appearance of the said A.B. (unless the conviction or sentence of the court of summary jurisdiction is quashed by the judgment of the High Court in the proceedings on certiorari) before the court of summary jurisdiction sitting at within ten days after the judgment of the High Court shall have been given,]

he/she, the said A.B., be discharged out of the custody of the Governor of His Majesty's prison at in respect of his/her commitment as aforesaid.

Dated the day of , 19 .

(*Twenty-four hours' notice of the names and descriptions of the proposed sureties must be given to the prosecutor unless the Judge orders otherwise.*)

FORM No. 3

Notice of Bail upon Order of Judge

Whereas A.B. was on the day of , 19 , [*recite circumstances of commitment, &c., as in the order: see No.* 2]:

And whereas the Honourable Mr. Justice has made an order bearing date the day of 19 , that [*recite the order: see No.* 2]:

Now take notice that in pursuance of the said order the said A.B. and [*two*] sufficient sureties will enter into such recognizance [*or* give such security] as aforesaid before [*as in the order*] at on the day of , 19 , at the hour of in the noon. And that the names and descriptions of such sureties are .

Dated the day of , 19 .

(Signed) G.H. of ,
Solicitor for the said A.B.

To the Prosecutor.

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(2) MATRIMONIAL CAUSES RULES

The Matrimonial Causes (District Registries) Order, 1949

1949 No. 435 (L. 5)

Made - - - - 14*th March*, 1949
Coming into Operation 1*st April*, 1949

The Lords Commissioners of the Great Seal, in exercise of the power vested in them by section 211 of the Supreme Court of Judicature (Consolidation) Act, 1925(**a**), and in exercise of the power vested in the Lord Chancellor by Rule 1 of the Matrimonial Causes Rules, 1947(**b**), and all other powers enabling him or them in this behalf, and with the concurrence of the Right Honourable Frank Boyd Baron Merriman, President of the Probate Division, do hereby make the following Order:—

1. On and after the first day of April, 1949, any matrimonial cause or matter may, subject to the provisions of the Matrimonial Causes Rules, 1947(**b**), as amended, be commenced and prosecuted in the District Registries

(**a**) 15 & 16 Geo. 5. c. 49.
(**b**) S.R. & O. 1947 (Nos. 523, 1757 and 2495) I, pp. 2036-83; and S.I. 1948 (Nos. 1444 and 2725) I, pp. 4052-6.