



# Coroners and Justice Act 2009

## 2009 CHAPTER 25

### PART 3

#### CRIMINAL EVIDENCE, INVESTIGATIONS AND PROCEDURE

### CHAPTER 5

#### MISCELLANEOUS

#### *Bail*

#### **115 Bail decisions in murder cases to be made by Crown Court judge**

- (1) A person charged with murder may not be granted bail except by order of a judge of the Crown Court.
- (2) Subsections (3) and (4) apply where a person appears or is brought before a magistrates' court charged with murder.
- (3) A judge of the Crown Court must make a decision about bail in respect of the person as soon as reasonably practicable and, in any event, within the period of 48 hours beginning with the day after the day on which the person appears or is brought before the magistrates' court.
- (4) The magistrates' court must, if necessary for the purposes of subsection (3), commit the person to custody to be brought before a judge of the Crown Court.
- (5) For the purposes of subsections (3) and (4), it is immaterial whether the magistrates' court—
  - (a) sends the person to the Crown Court for trial, or
  - (b) adjourns proceedings under section 52(5) of the Crime and Disorder Act 1998 (c. 37) and remands the person.

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**Changes to legislation:** Coroners and Justice Act 2009, Section 115 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- (6) In this section a reference to a person charged with murder includes a person charged with murder and one or more other offences.
- (7) For the purposes of subsection (3), when calculating the period of 48 hours Saturdays, Sundays, Christmas Day, Good Friday and bank holidays are to be excluded.

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**Commencement Information**

**II** S. 115 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), **Sch. para. 8**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 1\(1\)](#)
- Sch. 1A inserted by [2023 c. 41 Sch. 11 para. 1\(2\)](#)