



# Family Law Act 1996

## 1996 CHAPTER 27

### PART IV

#### FAMILY HOMES AND DOMESTIC VIOLENCE

##### *Further provisions relating to occupation and non-molestation orders*

#### **48 Remand for medical examination and report.**

- (1) If the relevant judicial authority has reason to consider that a medical report will be required, any power to remand a person under section 47(7)(b) or (10) may be exercised for the purpose of enabling a medical examination and report to be made.
- (2) If such a power is so exercised, the adjournment must not be for more than 4 weeks at a time unless the relevant judicial authority remands the accused in custody.
- (3) If the relevant judicial authority so remands the accused, the adjournment must not be for more than 3 weeks at a time.
- (4) If there is reason to suspect that a person who has been arrested—
  - (a) under section 47(6), or
  - (b) under a warrant issued on an application made under section 47(8),is suffering from [<sup>F1</sup>mental disorder within the meaning of the Mental Health Act 1983], the relevant judicial authority has the same power to make an order under section 35 of [<sup>F2</sup>that Act](remand for report on accused's mental condition) as the Crown Court has under [<sup>F3</sup>that section] in the case of an accused person within the meaning of that section.

#### **Textual Amendments**

- F1** Words in s. 48(4) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 1(4), 56(1), [Sch. 1 para. 20\(2\)\(a\)](#); S.I. 2008/1900, arts. 1(1), 2(a) (with art. 3, Sch.)
- F2** Words in s. 48(4) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 1(4), 56(1), [Sch. 1 para. 20\(2\)\(b\)](#); S.I. 2008/1900, arts. 1(1), 2(a) (with art. 3, Sch.)

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*Changes to legislation: Family Law Act 1996, Section 48 is up to date with all changes known to be in force on or before 23 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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**F3** Words in s. 48(4) substituted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 1(4), 56(1), **Sch. 1 para. 20(2)(c)**; S.I. 2008/1900, arts. 1(1), **2(a)** (with art. 3, Sch.)

**Modifications etc. (not altering text)**

**C1** S. 48 extended (1.10.1997) by 1989 c. 41, **ss. 38A, 38B** (as inserted (1.10.1997) by 1996 c. 27, s. 52, Sch. 6 para. 1 (with **Sch. 9 paras. 8-10**); S.I. 1997/1892, **art. 3**)  
S. 48 extended (1.10.1998) by 1989 c. 41, **ss. 44A, 44B** (as inserted (1.10.1997) by 1996 c. 27, s. 52, Sch. 6 para. 3 (with **Sch. 9 paras. 8-10**); S.I. 1997/1892, **art. 3**)

**Changes to legislation:**

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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. 63(2)(k) inserted by [2021 c. 17 s. 52\(2\)](#)