

Changes to legislation: There are currently no known outstanding effects for the Female Genital Mutilation Act 2003, Cross Heading: Remand: further provision. (See end of Document for details)

[^{F1}SCHEDULE 2

FEMALE GENITAL MUTILATION PROTECTION ORDERS

Textual Amendments

- F1** Sch. 2 inserted (17.7.2015) by Serious Crime Act 2015 (c. 9), ss. 73(2), 88(1) (with s. 86(14)(15)); S.I. 2015/1428, reg. 2(a)

PART 1

ENGLAND AND WALES

Remand: further provision

- 10 (1) Where a court has power to remand a person under paragraph 8, the court may remand the person in custody or on bail.
- (2) If remanded in custody, the person is to be committed to custody to be brought before the court—
- (a) at the end of the period of remand, or
- (b) at such earlier time as the court may require.
- (3) The court may remand a person on bail—
- (a) by taking from the person a recognizance (with or without sureties) conditioned as provided in paragraph 11, or
- (b) by fixing the amount of the recognizances with a view to their being taken subsequently in accordance with paragraph 14 and, in the meantime, committing the person to custody as mentioned in sub-paragraph (2) above.
- (4) Where a person is brought before the court after remand the court may further remand the person.
- (5) In this paragraph and in paragraphs 11 to 14, references to “the court” includes a reference to a judge of the court or, in the case of proceedings in a magistrates' court, a justice of the peace.
- 11 (1) Where a person is remanded on bail, the court may direct that the person's recognizance be conditioned for his or her appearance—
- (a) before the court at the end of the period of remand, or
- (b) at every time and place to which during the course of the proceedings the hearing may from time to time be adjourned.
- (2) Where a recognizance is conditioned for a person's appearance as mentioned in sub-paragraph (1), the fixing of any time for the person next to appear is to be treated as a remand.
- (3) Nothing in this paragraph deprives the court of power at any subsequent hearing to remand a person afresh.
- 12 (1) The court may not remand a person for a period exceeding 8 clear days unless—
- (a) the court adjourns a case under paragraph 9(1), or

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- (b) the person is remanded on bail and both that person and the other party to the proceedings (or, in the case of criminal proceedings, the prosecution) consent.
- (2) If sub-paragraph (1)(a) applies, the person may be remanded for the period of the adjournment.
- (3) Where the court has power to remand a person in custody, the person may be committed to the custody of a constable if the remand is for a period not exceeding 3 clear days.
- 13 (1) If the court is satisfied that a person who has been remanded is unable by reason of illness or accident to appear before the court at the end of the period of remand, the court may further remand the person in his or her absence.
- (2) The power in sub-paragraph (1) may, in the case of a person who was remanded on bail, be exercised by enlarging the person's recognizance and those of any sureties to a later time.
- (3) Where a person remanded on bail is bound to appear before the court at any time and the court has no power to remand the person under sub-paragraph (1), the court may, in the person's absence, enlarge the person's recognizance and those of any sureties for the person to a later time.
- (4) The enlargement of a person's recognizance is to be treated as a further remand.
- (5) Paragraph 12(1) (limit of remand) does not apply to the exercise of the powers conferred by this paragraph.
- 14 (1) This paragraph applies where under paragraph 10(3)(b) the court fixes the amount in which the principal and the sureties (if any) are to be bound.
- (2) The recognizance may afterwards be taken by a person prescribed by rules of court (with the same consequences as if it had been entered into before the court).]

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