

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Domestic Abuse Act 2021, Cross Heading: Remand in custody or on bail is up to date with all changes known to be in force on or before 01 July 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

SCHEDULES

PROSPECTIVE

SCHEDULE 1

FURTHER PROVISION ABOUT REMAND UNDER SECTION 40

Remand in custody or on bail

- 2 (1) The court may remand P in custody or on bail.
- (2) If remanded in custody, P 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 P on bail—
- (a) by taking from P a recognizance (with or without sureties) conditioned as provided in paragraph 3, or
 - (b) by fixing the amount of the recognizances with a view to their being taken subsequently in accordance with paragraph 7 and, in the meantime, committing P to custody as mentioned in sub-paragraph (2).
- (4) Where P is brought before the court after remand, the court may further remand P.
- 3 (1) Where P is remanded on bail, the court may direct that P's recognizance be conditioned for P's 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 P's appearance as mentioned in sub-paragraph (1)(b), the fixing of a time for P next to appear is to be treated as a remand.
- (3) Nothing in this paragraph affects the power of the court at any subsequent hearing to remand P afresh.
- 4 (1) The court may not remand P for a period exceeding eight clear days unless—
- (a) the court adjourns proceedings for the purpose mentioned in paragraph 5(1), or
 - (b) P is remanded on bail and both P and the person who applied for the warrant under section 40 consent.
- This is subject to paragraph 6.
- (2) Where the court has power to remand P in custody, P may be committed to the custody of a constable if the remand is for a period not exceeding three clear days.

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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. 49A49B and cross-heading inserted by [2024 c. 21 s. 20\(2\)](#)
- s. 56(4)(c) inserted by [2024 c. 21 s. 20\(4\)](#)
- s. 87(6)(aa) inserted by [2024 c. 21 s. 20\(5\)](#)