



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART VII

MISCELLANEOUS AND SUPPLEMENTARY

Remand

[^{F1}128A Remands in custody for more than eight days.

- (1) The Secretary of State may by order made by statutory instrument provide that this section shall have effect—
 - (a) in an area specified in the order; or
 - (b) in proceedings of a description so specified, in relation to any accused person (“the accused”) ^{F2} . . .
- (2) A magistrates’ court may remand the accused in custody for a period exceeding 8 clear days if—
 - (a) it has previously remanded him in custody for the same offence; and
 - (b) he is before the court,but only if, after affording the parties an opportunity to make representations, it has set a date on which it expects that it will be possible for the next stage in the proceedings, other than a hearing relating to a further remand in custody or on bail, to take place, and only—
 - (i) for a period ending not later than that date; or
 - (ii) for a period of 28 clear days,whichever is the less.
- (3) Nothing in this section affects the right of the accused to apply for bail during the period of the remand.
- (4) A statutory instrument containing an order under this section shall not be made unless a draft of the instrument has been laid before Parliament and been approved by a resolution of each House.]

Status: Point in time view as at 01/12/2020.

Changes to legislation: Magistrates' Courts Act 1980, Section 128A is up to date with all changes known to be in force on or before 26 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)

Textual Amendments

- F1** S. 128A inserted (E.W.) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), 155(1), [Sch. 8 para. 16](#)
- F2** Words in s. 128(A)(1) repealed (4.7.1996 with effect as mentioned in s. 52(3)(4) of the repealing Act) by [1996 c. 25, ss. 52\(2\), 80, Sch. 5 para. 2](#) Table 4 (with s. 78(1)); [S.I. 1997/36, art.2](#)
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Modifications etc. (not altering text)

- C1** S. 128A extended (2.12.1991) by [S.I. 1991/2667, art. 2](#)

Status:

Point in time view as at 01/12/2020.

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