

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Criminal Justice Act 1982, Paragraph 4 is up to date with all changes known to be in force on or before 26 June 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)*

## SCHEDULES

### SCHEDULE 9

#### AMENDMENTS OF MAGISTRATES’<sup>M1</sup>COURTS ACT 1980 RELATING TO REMANDS IN CUSTODY

##### Marginal Citations

**M1** 1980 c. 43

- 4 The following subsections shall be inserted after subsection (3) of that section—
- “(3A) Subject to subsection (3B) below, where a person has been remanded in custody, the court may further remand him on an adjournment under section 5, 10(1) or 18(4) above without his being brought before it if it is satisfied—
- (a) that he gave his consent, either in response to a question under subsection (1C) above or otherwise, to the hearing and determination in his absence of any application for his remand on an adjournment of the case under any of those provisions; and
  - (b) that he has not by virtue of this subsection been remanded without being brought before the court on more than two such applications immediately preceeding the application which the court is hearing; and
  - (c) that he had attained the age of 17 years when he gave his consent to the hearing and determination of such applications in his absence; and
  - (d) that he has not withdrawn his consent to their being so heard and determined.
- (3B) The court may not exercise the power conferred by sub-section (3A) above if it appears to the court, on an application for a further remand being made to it, that the person to whom the application relates has no solicitor acting for him in the case (whether present in court or not).
- (3C) Where—
- (a) a person has been remanded in custody on an adjournment of a case under section 5, 10(1) or 18(4) above; and
  - (b) an application is subsequently made for his further remand on such an adjournment; and
  - (c) he is not brought before the court which hears and determines the application; and
  - (d) that court is not satisfied as mentioned in subsection (3A) above,
- the court shall adjourn the case and remand him in custody for the period for which it stands adjourned.

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(3D) An adjournment under subsection (3C) above shall be for the shortest period that appears to the court to make it possible for the accused to be brought before it.

(3E) Where—

- (a) on an adjournment of a case under section 5, 10(1) or 18(4) above a person has been remanded; in custody without being brought before the court; and
- (b) it subsequently appears—
  - (i) to the court which remanded him in custody; or
  - (ii) to an alternate magistrates’ court to which he is remanded under section 130 below,

that he ought not to have been remanded in custody in his absence, the court shall require him to be brought before it at the earliest time that appears to the court to be possible.”.

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