

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

*Changes to legislation:* There are currently no known outstanding effects for the War Crimes Act 1991, Paragraph 3. (See end of Document for details)

PROSPECTIVE

## SCHEDULE

### PROCEDURE IN LIEU OF COMMITTAL

#### [<sup>F1</sup>PART I

#### ENGLAND AND WALES]

##### Textual Amendments

**F1** Sch. Pt. I repealed (E.W.N.I.) (4.7.1996) by 1996 c. 25, ss. 46(1)(b), 80, Sch. 5 para. 2 (with s. 78(1))

##### *Remand*

- [<sup>F13</sup> (1) If a magistrates' court has remanded a person to whom a notice of transfer relates in custody, it shall have power, subject to section 4 of the <sup>M1</sup> Bail Act 1976 and regulations under section 22 of the <sup>M2</sup> Prosecution of Offences Act 1985—
- (a) to order that he shall be safely kept in custody until delivered in due course of law; or
  - (b) to release him on bail in accordance with the Bail Act 1976, that is to say, by directing him to appear before the Crown Court for trial;
- and where his release on bail is conditional on his providing one or more sureties and, in accordance with section 8(3) of the Bail Act 1976, the court fixes the amount in which the surety is to be bound with a view to his entering into his recognisance subsequently in accordance with subsections (4) and (5) or (6) of that section, the court shall in the meantime make an order such as is mentioned in paragraph (a) of this sub-paragraph.
- (2) If the conditions specified in sub-paragraph (3) below are satisfied, a court may exercise the powers conferred by sub-paragraph (1) above in relation to a person charged without his being brought before it in any case in which by virtue of subsection (3A) of section 128 of the <sup>M3</sup> Magistrates' Court Act 1980 it would have the power further to remand him on an adjournment such as is mentioned in that subsection.
- (3) The conditions mentioned in sub-paragraph (2) above are—
- (a) that the person in question has given his written consent to the powers conferred by sub-paragraph (1) above being exercised without his being brought before the court; and
  - (b) that the court is satisfied that, when he gave his consent, he knew that the notice of transfer had been issued.
- (4) Where a notice of transfer is given after a person to whom it relates has been remanded on bail to appear before a magistrates' court on an appointed day, the

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requirement that he shall so appear shall cease on the giving of the notice unless the notice states that it is to continue.

- (5) Where that requirement ceases by virtue of sub-paragraph (4) above, it shall be the duty of the person in question to appear before the Crown Court at the place specified by the notice of transfer as the proposed place of trial or at any place substituted for it by a direction under section 76 of the [F2 Senior Courts Act 1981 ] .
- (6) If, in a case where the notice states that the requirement mentioned in sub-paragraph (4) above is to continue, a person to whom the notice relates appears before the magistrates' court, the court shall have—
- (a) the powers and duties conferred on a magistrates' court by sub-paragraph (1) above but subject as there provided; and
  - (b) power to enlarge, in the surety's absence, a recognisance conditioned in accordance with section 128(4)(a) of the Magistrates' Courts Act 1980 so that the surety is bound to secure that the person charged appears also before the Crown Court.]

#### Textual Amendments

- F1** Sch. Pt. I repealed (E.W.N.I.) (4.7.1996) by 1996 c. 25, ss. 46(1)(b), s. 80, **Sch. 5 para. 2** (with s. 78(1))
- F2** Words in Act substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/1604, art. 2(d)

#### Marginal Citations

- M1** 1976 c. 63.
- M2** 1985 c. 23.
- M3** 1980 c. 43.

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