

Status: Point in time view as at 01/10/1992.

Changes to legislation: Criminal Justice Act 1991, Cross Heading: Remand is up to date with all changes known to be in force on or before 04 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)

SCHEDULES

^{F1}SCHEDULE 6

NOTICES OF TRANSFER: PROCEDURE IN LIEU OF COMMITTAL

Extent Information

E1 [Schedule 6](#) extends to England and Wales only except as mentioned in s. 102(4)-(6).

Textual Amendments

F1 [Sch. 6](#) repealed (prosp.) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 41, 332, 336, [Sch. 3 Pt. 2 para. 62\(3\)](#), [Sch. 37](#)

Commencement Information

I1 [Sch. 6](#) (paras. 1 - 9) wholly in force at 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333](#), art. 2(2), [Sch. 2](#).

Remand

- 2 (1) If a magistrates' court has remanded in custody a person to whom a notice of transfer relates, it shall have power, subject to section 4 of the ^{M1}Bail Act 1976 and regulations under section 22 of the ^{M2}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.
- (2) Where—
- (a) a person's release on bail under paragraph (b) of sub-paragraph (1) above is conditional on his providing one or more sureties; and
 - (b) in accordance with subsection (3) of section 8 of the Bail Act 1976, the court fixes the amount in which a 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 that sub-paragraph.
- (3) If the conditions specified in sub-paragraph (4) 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 1980 Act it would have the power further to remand him on an adjournment such as is mentioned in that subsection.
- (4) The conditions referred to in sub-paragraph (3) above are—

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- (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.
- (5) 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 requirement that he shall so appear shall cease on the giving of the notice unless the notice states that it is to continue.
- (6) Where that requirement ceases by virtue of sub-paragraph (5) 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 ^{M3}Supreme Court Act 1981.
- (7) If, in a case where the notice states that the requirement mentioned in sub-paragraph (5) 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 1980 Act so that the surety is bound to secure that the person charged appears also before the Crown Court.

Commencement Information

II Sch. 6 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

M1 1976 c. 63.

M2 1985 c. 23.

M3 1981 c. 54.

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