

Status: Point in time view as at 31/01/2011.

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Schedule 5. (See end of Document for details)

SCHEDULES

SCHEDULE 5 **E+W**

Section 46

INJUNCTIONS: POWERS TO REMAND

Introductory

- 1 (1) The provisions of this Schedule apply where the court has power to remand a person under section 43(5) or 44(4).
- (2) In this Schedule, “the court” means the High Court or a county court and includes—
- (a) in relation to the High Court, a judge of that court, and
 - (b) in relation to a county court, a judge or district judge of that court.

Commencement Information

II Sch. 5 para. 1 in force at 31.1.2011 by S.I. 2010/2988, art. 2

Remand in custody or on bail

- 2 (1) The court may—
- (a) [^{F1}in the case of a person aged 18 or over] remand the person in custody, that is, commit the person to custody to be brought before the court at the end of the period of remand or at such earlier time as the court may require, or
 - (b) remand the person on bail.
- (2) The court may remand the person on bail—
- (a) by taking from the person 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 and, in the meantime, committing the person to custody as mentioned in sub-paragraph (1)(a).
- (3) Where a person is brought before the court after remand, the court may further remand the person.

Textual Amendments

F1 Words in Sch. 5 para. 2(1)(a) inserted (31.1.2011) by Crime and Security Act 2010 (c. 17), ss. 38, 59(1); S.I. 2010/2989, art. 2(b)

Commencement Information

I2 Sch. 5 para. 2 in force at 31.1.2011 by S.I. 2010/2988, art. 2

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- 3 (1) Where a person is remanded on bail, the court may direct that the person's recognizance be conditioned for the person's appearance—
- (a) before that 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 a person's appearance as mentioned in sub-paragraph (1)(b), the fixing of any time for the person 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 the person afresh.

Commencement Information

I3 Sch. 5 para. 3 in force at 31.1.2011 by S.I. 2010/2988, art. 2

- 4 (1) The court may not remand a person for a period exceeding 8 clear days unless—
- (a) the person is remanded on bail, and
 - (b) both that person and the person who applied for the injunction consent to a longer period.
- (2) Where the court has power to remand a person in custody it may, if the remand is for a period not exceeding 3 clear days, commit the person to the custody of a constable.

Commencement Information

I4 Sch. 5 para. 4 in force at 31.1.2011 by S.I. 2010/2988, art. 2

Further remand

- 5 (1) If the court is satisfied that a person who has been remanded is unable by reason of illness or accident to appear or be brought before the court at the expiration of the period of remand, the court may, in the absence of the person, further remand the person.
- (2) The power mentioned in sub-paragraph (1) may, in the case of a person who was remanded on bail, be exercised by enlarging the person's recognizance and those of any sureties for the person to a later time.
- (3) Where a person remanded on bail is bound to appear before the court at any time and the court has no power to remand the person under sub-paragraph (1), the court may (in the person's absence) enlarge the person's recognizance and those of any sureties for the person to a later time.
- (4) The enlargement of the person's recognizance is to be treated as a further remand.
- (5) Paragraph 4(1) (limit of remand) does not apply to the exercise of the powers conferred by this paragraph.

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Commencement Information

I5 Sch. 5 para. 5 in force at 31.1.2011 by S.I. 2010/2988, art. 2

Postponement of taking recognizance

- 6 Where under paragraph 2(2)(b) the court fixes the amount in which the principal and the sureties, if any, are to be bound, the recognizance may afterwards be taken by such person as may be prescribed by rules of court, with the same consequences as if it had been entered into before the court.

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Commencement Information

I6 Sch. 5 para. 6 in force at 31.1.2011 by S.I. 2010/2988, art. 2

Requirements imposed on remand on bail

- 7 The court may when remanding a person on bail under this Schedule require the person to comply, before release on bail or later, with such requirements as appear to the court to be necessary to secure that the person does not interfere with witnesses or otherwise obstruct the course of justice.

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Commencement Information

I7 Sch. 5 para. 7 in force at 31.1.2011 by S.I. 2010/2988, art. 2

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