

*Status: Point in time view as at 31/01/2011.*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, Cross Heading: Remand in custody or on bail. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5 **E+W**

#### INJUNCTIONS: POWERS TO REMAND

##### *Remand in custody or on bail*

- 2 (1) The court may—
- (a) [<sup>F1</sup>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**

- I1** [Sch. 5 para. 2](#) in force at 31.1.2011 by [S.I. 2010/2988](#), [art. 2](#)

- 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.

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**Commencement Information**

**I2** 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.

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**Commencement Information**

**I3** Sch. 5 para. 4 in force at 31.1.2011 by S.I. 2010/2988, art. 2

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