

Status: Point in time view as at 30/04/2021.

Changes to legislation: Sentencing Act 2020, Paragraph 5 is up to date with all changes known to be in force on or before 15 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 4

REFERRAL ORDER: FURTHER COURT PROCEEDINGS

PART 1

REFERRAL BACK TO COURT FOR FURTHER PROCEEDINGS

Detention and remand of arrested offender

- 5 (1) This paragraph applies where the court before which the offender is brought under paragraph 4(2) (“the alternative court”) is not the appropriate court.
- (2) The alternative court may—
- (a) direct that the offender is to be released immediately, or
 - (b) remand the offender.
- (3) Section 128 of the Magistrates' Courts Act 1980 (remand in custody or on bail) applies as if the court referred to in subsections (1)(a), (3), (4)(a) and (5) were the appropriate court.
- (4) If the offender is aged under 18, any power conferred by that section to remand the offender in custody includes a power to remand the offender to accommodation provided by or on behalf of a local authority.
- (5) If a court remands the offender to accommodation provided by or on behalf of a local authority, it must designate, as the authority which is to receive the offender, the local authority for the area in which it appears to the court that the offender resides or will reside.

Commencement Information

II Sch. 4 para. 5 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

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