

*Status: Point in time view as at 02/05/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Public Order Act 2023. (See end of Document for details)*

PROSPECTIVE

## SCHEDULE

Section 19

### INJUNCTIONS IN SECRETARY OF STATE PROCEEDINGS: POWERS TO REMAND

#### *Introductory*

- 1 (1) [This Schedule](#) applies where the court has power to remand a person under subsection (6) of [section 19](#) (injunctions in Secretary of State proceedings: power of arrest and remand).
- (2) In [this Schedule](#) “the court” has the same meaning as in that section.

#### **Commencement Information**

- I1** Sch. para. 1 not in force at Royal Assent, see [s. 35\(5\)](#)

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

- 2 (1) The court may—
  - (a) 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, in accordance with the following provisions.
- (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.

#### **Commencement Information**

- I2** Sch. para. 2 not in force at Royal Assent, see [s. 35\(5\)](#)

- 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 deemed to be a remand.

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- (3) Nothing in [this paragraph](#) affects the power of the court at any subsequent hearing to remand the person afresh.

**Commencement Information**

**I3** Sch. para. 3 not in force at Royal Assent, see [s. 35\(5\)](#)

- 4 (1) The court must not remand a person for a period exceeding eight clear days except that—
- (a) if the court remands the person on bail, it may remand the person for a longer period if the person and the other party consent, and
  - (b) if the court adjourns a case under [section 19\(9\)](#) (remand for medical examination and report) the court may remand the person for the period of adjournment.
- (2) Where the court has the power to remand a person in custody it may, if the remand is for a period not exceeding three clear days, commit the person to the custody of a constable.

**Commencement Information**

**I4** Sch. para. 4 not in force at Royal Assent, see [s. 35\(5\)](#)

**Commencement Information**

**I2** Sch. para. 2 not in force at Royal Assent, see [s. 35\(5\)](#)

**I3** Sch. para. 3 not in force at Royal Assent, see [s. 35\(5\)](#)

**I4** Sch. para. 4 not in force at Royal Assent, see [s. 35\(5\)](#)

*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 for which the person was remanded, the court may, in the person's absence, remand the person for a further time.
- (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 deemed to be 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. para. 5 not in force at Royal Assent, see [s. 35\(5\)](#)

*Postponement and taking recognizance*

- 6 Where under paragraph [2\(2\)\(b\)](#) the court fixes the amount in which the principal and their 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.

**Commencement Information**

**I6** Sch. para. 6 not in force at Royal Assent, see [s. 35\(5\)](#)

*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.

**Commencement Information**

**I7** Sch. para. 7 not in force at Royal Assent, see [s. 35\(5\)](#)

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