
STATUTORY INSTRUMENTS

1981 No. 552

The Magistrates' Courts Rules 1981

REMAND

Remand on bail for more than 8 days where sureties have not entered into recognizances

23. Where the court, with a view to a person's being remanded on bail under paragraph (a) of section 128(6) of the Act of 1980 for a period exceeding 8 days, has fixed the amount of the recognizances to be taken for that purpose but commits that person to custody because the recognizances of the sureties have not yet been taken, the warrant of commitment shall direct the governor or keeper of the prison or place to which he is committed to bring him before the court at the end of 8 clear days or at such earlier time as may be specified in the warrant, unless in the meantime the sureties have entered into their recognizances.

Documents to be sent on remand for medical inquiry

- 24.** On exercising the powers conferred by section 30 of the Act of 1980 a court shall—
- (a) where the accused is remanded in custody, send to the institution or place to which he is committed;
 - (b) where the accused is remanded on bail, send to the institution or place at which, or the person by whom, he is to be examined,

a statement of the reasons why the court is of opinion that an inquiry ought to be made into his physical or mental condition and of any information before the court about his physical or mental condition.

Transfer of remand hearings

25.—(1) Where a magistrates' court, under section 130(1) of the Act of 1980, orders that an accused who has been remanded in custody be brought up for any subsequent remands before an alternate magistrates' court, the clerk of the first-mentioned court shall, as soon as practicable after the making of the order and in any case within 2 days thereafter (not counting Sundays, Good Friday, Christmas Day or bank holidays), send to the clerk of the alternate court—

- (a) a statement indicating the offence or offences charged;
- (b) a copy of the record made by the first-mentioned court in pursuance of section 5 of the Bail Act 1976 relating to the withholding of bail in respect of the accused when he was last remanded in custody;
- (c) a copy of any legal aid order previously made in the same case;
- (d) a copy of any legal aid application;
- (e) any statement of means already submitted; and
- (f) if the first-mentioned court has made an order under section 8(2) of the Act of 1980 (removal of restrictions on reports of committal proceedings), a statement to that effect.

(2) The clerk of an alternate magistrates' court before which an accused who has been remanded in custody is brought up for any subsequent remands in pursuance of an order made as aforesaid

shall, as soon as practicable after the order ceases to be in force and in any case within 2 days thereafter (not counting Sundays, Good Friday, Christmas Day or bank holidays), send to the clerk of the magistrates' court which made the order—

- (a) the documents referred to in sub-paragraphs (c), (d) and (e) of paragraph (1);
- (b) a copy of the record made by the alternate court in pursuance of section 5 of the Bail Act 1976 relating to the grant or withholding of bail in respect of the accused when he was last remanded in custody or on bail;
- (c) a copy of any legal aid order made by the alternate court;
- (d) a copy of any legal aid application made to the alternate court;
- (e) any statement of means submitted to the alternate court; and
- (f) if the alternate court has made an order under section 8(2) of the Act of 1980 (removal of restrictions on reports of committal proceedings), a statement to that effect.

Notice of further remand in certain cases

26. Where a transfer direction has been given by the Secretary of State under section 73 of the Mental Health Act 1959 in respect of a person remanded in custody by a magistrates' court and the direction has not ceased to have effect, the clerk of the court shall give notice in writing to the managers of the hospital where he is detained of any further remand under section 128 of the Act of 1980.