

## SCHEDULES

### SCHEDULE 1

Section 11

#### REMANDS UNDER SECTIONS 9 AND 10

##### *Introductory*

- 1 (1) This Schedule applies where—
  - (a) a judge has power to remand a person under section 9(5),
  - (b) a justice of the peace is required to remand a person under section 9(6), or
  - (c) a court has power to remand a person under section 10(8).
- (2) A reference in the following paragraphs of this Schedule to a judge is to be read as including a justice of the peace.

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

- 2 (1) The judge or the court may remand the person—
    - (a) in custody, or
    - (b) on bail.

But a person aged under 18 may not be remanded in custody unless paragraph 6 applies.
  - (2) A reference in this Schedule to remanding a person in custody is a reference to committing the person to custody to be brought before the court at the end of the period of remand or at whatever earlier time the court may require.
  - (3) The judge or 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 (2).
  - (4) Where a person is brought before the court after remand, the court may further remand the person.
- 3 (1) Where a person is remanded on bail, the judge or the court may direct that the person's recognizance be conditioned for his or her appearance—
    - (a) before the 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 a 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.
- 4 (1) The judge or the court may not remand a person for a period exceeding 8 clear days unless—
- (a) paragraph 5 or 6 applies, or
  - (b) the person is remanded on bail and both that person and the person who applied for the injunction consent to a longer period.
- (2) Where the judge or the court has power to remand a person in custody, the person may be committed to the custody of a constable if the remand is for a period not exceeding 3 clear days.

*Remand for medical examination and report*

- 5 (1) This paragraph applies where—
- (a) the judge or the court has reason to think that a medical report will be needed, and
  - (b) the judge or the court remands the person in order to enable a medical examination to take place and a report to be made.
- (2) If (in the case of a person aged 18 or over) the person is remanded in custody, the adjournment may not be for more than 3 weeks at a time.
- (3) If the person is remanded on bail, the adjournment may not be for more than 4 weeks at a time.
- 6 (1) If the judge or the court—
- (a) is satisfied, on the written or oral evidence of a registered medical practitioner, that there is reason to suspect that the person is suffering from mental disorder, and
  - (b) is of the opinion that it would be impracticable for a report on the person’s mental condition to be made if he or she were remanded on bail,
- the judge or the court may remand the person to a hospital or registered establishment specified by the judge or the court for such a report to be made.
- (2) In sub-paragraph (1)—
- “hospital” has the meaning given by section 145(1) of the Mental Health Act 1983;
- “mental disorder” has the meaning given by section 1 of that Act (reading subsection (2B) of that section as if it included a reference to sub-paragraph (1) above);
- “registered establishment” has the meaning given by 34(1) of that Act.
- (3) Subsections (4) to (10) of section 35 of the Mental Health Act 1983 apply for the purposes of sub-paragraph (1) with any necessary modifications (in particular, with references to the accused person being read as references to the person mentioned in that sub-paragraph, and references to the court being read as references to the judge or the court).

#### *Further remand*

- 7 (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 end of the period of remand, the court may further remand the person in his or her absence.
- (2) The power 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.

#### *Postponement of taking recognizance*

- 8 Where under paragraph 2(3)(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 a person prescribed by rules of court, with the same consequences as if it had been entered into before the court.

#### *Requirements imposed on remand on bail*

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