
STATUTORY INSTRUMENTS

1981 No. 1675

The Magistrates' Courts (Northern Ireland) Order 1981

PART V

CRIMINAL JURISDICTION AND PROCEDURE

Remands

Period of remand in custody or in bail

47.—(1) Without prejudice to any other provision of this Order, in adjourning any proceedings for an offence a magistrates' court may remand the accused—

- (a) in custody, that is to say, commit him to custody to be brought at the end of the period of remand before that court or any other magistrates' court for the county court division for which the court is acting or before any other magistrates' court having jurisdiction to conduct the proceedings; or
- (b) on bail, that is to say, take from him a recognizance conditioned for his subsequent appearance before such court;

and may, if the accused is remanded in custody, certify in the prescribed manner its consent to the accused being remanded on bail in accordance with sub-paragraph (b) in which event the court shall fix the amount of the recognizance with a view to its being taken subsequently.

(2) Subject to^{F1} . . . Article 49, the period for which the accused is remanded in custody shall not exceed—

[^{F1}(a) in the case where—

- (i) the accused is before the court and he consents, or
- (ii) the court has previously remanded the accused in custody for the same offence; or
- (iii) the accused is already detained under a custodial sentence,

twenty-eight days;]

(b) in any other case, eight days;

commencing on the day following that on which the accused is remanded, so, however, that in a case to which [^{F1} sub-paragraph (a)(iii)] applies, the court shall inquire as to the expected date of the accused's release from that detention, and if it appears that he will be released before twenty-eight days have expired, he shall not be remanded in custody for a period exceeding eight days or (if longer) a period ending with that date.

Para. (3) rep. by 2003 NI 13

(4) Where the accused is admitted to bail and he and prosecution consent, the period for which the accused is remanded may exceed the period referred to in paragraph (2),^{F1} . . .

[^{F2}(4A) In the exercise of its power under paragraph (1)(a) to remand in custody an accused to whom this paragraph applies, a magistrates' court may, on an application made under this paragraph

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by a member of the Royal Ulster Constabulary not below the rank of inspector, commit the accused to detention at a police station.

(4B) In the exercise of its power under paragraph (1)(a) to remand in custody an accused to whom this paragraph applies, a magistrates' court may, on an application made under this paragraph by a member of the Royal Ulster Constabulary not below the rank of inspector, commit the accused to the custody (otherwise than at a police station) of a constable.

(4C) The period for which an accused is remanded under paragraph (4A) or (4B) shall not exceed 3 days commencing on (and including) the day following that on which he is remanded.

(4D) Paragraphs (4A) and (4B) apply to an accused who—

- (a) is not under the age of 21 years; and
- (b) is not already detained under a custodial sentence.

(4E) An accused shall not be committed to detention at a police station under paragraph (4A) unless there is a need for him to be so detained for the purposes of inquiries into other offences; and, if a person is committed to such detention—

- (a) he shall, as soon as that need ceases, be brought back before the magistrates' court which committed him or any other magistrates' court for the county court division for which that court was acting or before any other magistrates' court having jurisdiction to conduct the proceedings;
- (b) he shall be treated as a person in police detention to whom the duties under Article 40 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (responsibilities in relation to persons detained) relate; and
- (c) his detention shall be subject to periodic review at the times set out in Article 41 of that Order (review of police detention).

(4F) An accused shall not be committed to the custody (otherwise than at a police station) of a constable under paragraph (4B) unless there is a need for him to be kept in such custody for the purposes of inquiries into other offences; and if a person is committed to such custody, he shall, as soon as that need ceases, be brought back before the magistrates' court which committed him or any other magistrates' court for the county court division for which that court was acting or before any other magistrates' court having jurisdiction to conduct the proceedings.]

(5) The court may order the accused to be brought before it at any time before the expiration of the period for which he has been remanded.

(6) In this Article, “custodial sentence” includes—

- (a) an order for detention in a young offenders centre within the meaning of the Treatment of Offenders Act (Northern Ireland) 1968;
- [^{F3}(b) a juvenile justice centre order within the meaning of the Criminal Justice (Children) (Northern Ireland) Order 1998^{F4}.]

Sub#para. (c) rep. by 1998 NI 9

- F1** 2003 NI 13
- F2** 1991 NI 16
- F3** 1998 NI 9
- F4** prosp. insertion by 2002 c. 26

Modifications etc. (not altering text)

- C1** Art. 47(2) modified by Extradition Act 2003 (c. 41), ss. 23(3)(b), 89(3)(b) (as inserted (15.1.2007) by Police and Justice Act 2006 (c. 48), ss. 42, 53, **Sch. 13 para. 7**); S.I. 2006/3364, **art. 2**

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C2 Art. 47(2) modified by Extradition Act 2003 (c. 41), s. 76B(3)(b) (as inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 70, 116(1)); S.I. 2009/3096, art. 3(m) (with art. 4(1)(d))

Continuous bail

48. Where a person is remanded on bail^{F5} the recognizance may be conditioned for his appearance at every time and place to which during the course of proceedings the hearing may be adjourned, without prejudice, however, to the power of the court to vary the order at any subsequent hearing.

F5 prosp. subst. by 2005 NI 15

Remand in case of illness or accident

49. A magistrates' court, on being satisfied that a person accused of an offence who has been remanded on bail or in custody is by reason of illness or accident unable at the expiration of the period for which he is remanded to appear personally before the court, may in the absence of the accused, order him to be further remanded for such time as may be deemed reasonable and any recognizance requiring or conditioned for the appearance of the accused before the court shall be deemed to be varied so as to require the appearance of the accused at every time and place to which he is so remanded.

Remand to enable inquiries to be made after conviction

50. The powers of a magistrates' court to adjourn the hearing of a case shall include power, after a person has been convicted and before he has been sentenced or otherwise dealt with, to adjourn the case for the purpose of enabling inquiries to be made or of determining the most suitable method of dealing with his case, but such adjournment shall not in any single period exceed twenty-eight days commencing on the day after the adjournment or extend beyond the next sitting of the court, whichever is the longer, or if the person convicted is in custody, the period specified in paragraph (2) or, as the case may be, paragraph (3) of Article 47.

Remand for inquiry into physical or mental condition

51.—(1) Without prejudice to the powers of the court under Article 50, where a person is charged before a magistrates' court with an offence punishable on summary conviction with imprisonment or an indictable offence which is tried summarily, and the court is satisfied that the person charged did the act or made the omission charged but is of opinion that an inquiry ought to be made into his physical or mental condition, the court may remand him for such period as the court thinks necessary to enable a medical examination and report to be made so, however, that no single period shall, where the person remanded is on bail, exceed twenty-eight days commencing on the day after that on which the person is remanded or extend beyond the next sitting of the court whichever is the longer or, where the person remanded is in custody, exceed the period specified in paragraph (2) or, as the case may be, paragraph (3) of Article 47.

(2) Where a person is remanded on bail under this Article, it shall be a condition of the recognizance that he shall—

- (a) undergo medical examination by a duly qualified medical practitioner and for the purpose attend at a hospital or place, or upon any such practitioner, specified in the recognizance; or
- (b) where the inquiry is into his mental condition (and the recognizance so specifies), undergo medical examination by two duly qualified practitioners (one of whom shall be a practitioner^{F6} appointed by the Mental Health Commission for Northern Ireland for the purposes of Part II of the Mental Health (Northern Ireland) Order 1986] and for the

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purpose attend at a hospital or place, or upon any duly qualified medical practitioner, specified in the recognizance, and comply with any directions which may be given to him by any practitioner so specified;

and if arrangements have been made for his reception, it may be a condition of the recognizance that the person shall, for the purpose of the examination, reside until the expiration of such period as may be specified in the recognizance or he is discharged therefrom, whichever occurs first, in a hospital or place so specified.

(3) Where a person charged before a magistrates' court with an indictable offence is remanded in custody or committed for trial in custody and the court is of opinion that an inquiry ought to be made into his physical or mental condition, the court may order such inquiry to be made.

(4) Where a person charged before a magistrates' court with an indictable offence is admitted to bail on his entering a recognizance conditioned for his appearance at the Crown Court and the magistrates' court is of opinion that an inquiry ought to be made as aforesaid, the conditions of the recognizance may, in addition to the condition for his appearance, include the like conditions as could be included in the conditions of the recognizance with respect to the like inquiry by virtue of paragraph (2).

F6 1986 NI 4

Power of court to sentence person convicted by another court in same county court division

52. Where a person has been convicted of an offence by a court of summary jurisdiction and the case has been adjourned or where a person has been remanded under Article 51 he may be sentenced or otherwise dealt with for that offence by any court of summary jurisdiction acting for the same petty sessions district or any other petty sessions district of the same county court division as the court by which he was convicted or remanded.

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