

**Changes to legislation:** Criminal Justice Act 1982, Paragraph 3 is up to date with all changes known to be in force on or before 09 April 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) View outstanding changes

## SCHEDULES

### SCHEDULE 9

#### M1 AMENDMENTS OF MAGISTRATES' COURTS ACT 1980 RELATING TO REMANDS IN CUSTODY

##### Marginal Citations

M1 1980 c. 43

- 3 The following subsections shall be inserted after the said subsection (1)—
- “(1A) Where—
- (a) on adjourning a case under section 5, 10(1) or 18(4) above the court proposes to remand or further remand a person in custody; and
  - (b) he is before the court; and
  - (c) he has attained the age of 17; and
  - (d) he is legally represented in that court,
- it shall be the duty of the court—
- (i) to explain the effect of subsections (3A) and (3B) below to him in ordinary language; and
  - (ii) to inform him in ordinary language that, notwithstanding the procedure for a remand without his being brought before a court, he would be brought before a court for the hearing and determination of at least every fourth application for his remand, and of every application for his remand heard at a time when it appeared to the court that he had no solicitor acting for him in the case.
- (1B) For the purposes of subsection (1A) above a person is to be treated as legally represented in a court if, but only if, he has the assistance of counsel or a solicitor to represent him in the proceedings in that court.
- (1C) After explaining to an accused as provided by sub-section (1A) above the court shall ask him whether he consents to the hearing and determination of such applications in his absence.”.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 32(1A)(ca) words inserted by [2021 c. 11 Sch. 13 para. 36](#)