

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Justice Act (Northern Ireland) 2015, Paragraph 7 is up to date with all changes known to be in force on or before 22 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 7

DOMESTIC VIOLENCE PROTECTION NOTICES AND ORDERS

PROSPECTIVE

Further provision about remand

7.—(1) This paragraph applies for the purposes of the remand of a person by a court under paragraph 3(2) or (3) or 6(4).

(2) The court may remand the person—

- (a) in custody, that is to say, commit the person to custody to be brought before the court at the end of the period of remand; or
- (b) on bail, that is to say, take from the person a recognizance conditioned for subsequent appearance before the court.

(3) If the person is remanded in custody, the court may give its consent to the person being remanded on bail in accordance with sub-paragraph (2)(b) in which event the court must fix the amount of the recognizance with a view to its being taken subsequently.

(4) Subject to sub-paragraphs (8), (11) and (12), the period for which a person is remanded in custody must not exceed—

- (a) in case where the person is before the court and consents, 28 days;
- (b) in any other case, 8 days.

(5) The period for which a person is remanded on bail must not exceed 28 days unless both the person and the relevant police officer consent.

(6) For the purposes of sub-paragraph (5) the relevant police officer is—

- (a) in the case of a remand prior to the hearing of an application for a DVPO, the authorising officer;
- (b) in any other case, the constable who applied for the DVPO.

(7) In the case of a person over the age of 21, the power to remand in custody includes power, on an application made by a police officer not below the rank of inspector, to commit that person to—

- (a) detention at a police station; or

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(b) the custody (otherwise than at a police station) of a constable.

(8) The period for which a person is remanded under sub-paragraph (7) must not exceed 3 days.

(9) A person shall not be committed to detention at a police station under sub-paragraph (7)(a) unless there is a need for the person to be so detained for the purposes of inquiries into a criminal offence; and, if a person is committed to such detention—

(a) the person shall, as soon as that need ceases, be brought back before the court;

(b) the person 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) the detention of the person shall be subject to periodic review at the times set out in Article 41 of that Order (review of police detention).

(10) A person shall not be committed to the custody (otherwise than at a police station) of a constable under sub-paragraph (7)(b) unless there is a need for the person to be kept in such custody for the purposes of inquiries into a criminal offence; and if a person is committed to such custody, the person shall, as soon as that need ceases, be brought back before the court.

(11) If the court has reason to suspect that a medical report will be required, the power to remand a person may be exercised for the purpose of enabling a medical examination to take place and a report to be made; and if the person is remanded in custody for that purpose, the remand may not be for more than 21 days.

(12) If the court has reason to suspect that the person is suffering from mental illness or severe mental impairment within the meaning of the Mental Health (Northern Ireland) Order 1986, the court has the same power to remand a person under Article 42 of that Order (remand to hospital for medical report) as it has under that Article in the case of an accused person (within the meaning of that Article).

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

(14) The court may, when remanding the person on bail, 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 persons likely to give evidence at the hearing or otherwise obstruct the course of justice.

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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. 13(2)(2A) substituted for s. 13(2) by [2022 c. 4 \(N.I.\) s. 4\(5\)](#)
- s. 13(4)(5) added by [2022 c. 4 \(N.I.\) s. 4\(6\)](#)
- s. 13A inserted by [2022 c. 4 \(N.I.\) s. 4\(7\)](#)
- s. 13A inserted by [2022 c. 4 \(N.I.\) s. 4\(7\)](#)
- Sch. 2 para. 8(1) Sch. 2 para. 8 renumbered as Sch. 2 para. 8(1) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(i\)](#)
- Sch. 2 para. 8(2) inserted by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(iii\)](#)
- Sch. 2 para. 8(1) words substituted by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(ii\)](#)