



Criminal Justice Act 1988

1988 CHAPTER 33

PART XI

MISCELLANEOUS

Bail and custody

155 Remands in custody for more than eight days

- (1) The following section shall be inserted after section 128 of the Magistrates' Courts Act 1980—

“128A Remands in custody for more than eight days

- (1) The Secretary of State may by order made by statutory instrument provide that this section shall have effect—
- (a) in an area specified in the order; or
 - (b) in proceedings of a description so specified,
- in relation to any accused person (“the accused”) who has attained the age of 17.
- (2) A magistrates' court may remand the accused in custody for a period exceeding 8 clear days if—
- (a) it has previously remanded him in custody for the same offence; and
 - (b) he is before the court,
- but only if, after affording the parties an opportunity to make representations, it has set a date on which it expects that it will be possible for the next stage in the proceedings, other than a hearing relating to a further remand in custody or on bail, to take place, and only—
- (i) for a period ending not later than that date; or
 - (ii) for a period of 28 clear days,
- whichever is the less.

Status: This is the original version (as it was originally enacted).

- (3) Nothing in this section affects the right of the accused to apply for bail during the period of the remand.
 - (4) A statutory instrument containing an order under this section shall not be made unless a draft of the instrument has been laid before Parliament and been approved by a resolution of each House.”.
- (2) After paragraph 9A of Schedule 1 to the Bail Act 1976 there shall be inserted—

“Cases under section 128A of Magistrates' Courts Act 1980

- 9B Where the court is considering exercising the power conferred by section 128A of the Magistrates' Courts Act 1980 (power to remand in custody for more than 8 clear days), it shall have regard to the total length of time which the accused would spend in custody if it were to exercise the power.”.