



Criminal Justice Act 1982

1982 CHAPTER 48

PART V

MISCELLANEOUS

Persons remanded in custody

59 Remand in custody in absence of accused.

- (1) The ^{M1}Magistrates' Courts Act 1980 shall have effect subject to the amendments specified in Schedule 9 to this Act, being amendments to modify the requirement that a person may not be remanded in custody without being brought before the court.
- (2) Nothing in this section shall affect the operation of section 2 of the ^{M2}Imprisonment (Temporary Provisions) Act 1980.

Marginal Citations

M1 1980 c. 43.

M2 1980 c. 57.

60 Applications to Crown Court for bail by persons remanded in custody.

- (1) In section 81 of the ^{M3}[^{F1}Senior Courts Act 1981] —
 - (a) in subsection (1) (which lists cases in which the Crown Court may grant bail) at the end of paragraph (f) there shall be added “or
 - (g) who has been remanded in custody by a magistrates' court on adjourning a case under—
 - (i) section 5 (adjournment of inquiry into offence);
 - (ii) section 10 (adjournment of trial);
 - (iii) section 18 (initial procedure on information against adult for offence triable either way); or

Changes to legislation: Criminal Justice Act 1982, Cross Heading: Persons remanded in custody is up to date with all changes known to be in force on or before 26 December 2023. 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

(iv) section 30 (remand for medical examination),
of the Magistrates’ Courts Act 1980;”;

(b) the following subsections shall be inserted after that subsection—

“(1H) Where the Crown Court grants a person bail under subsection (1)(g) it may direct him to appear at time and place which the magistrates’ court could have directed and the recognizance of any surety shall be conditioned accordingly.

(1J) The Crown Court may only grant bail to a person under subsection (1) (g) if the magistrates’ court which remanded him in custody has certified under section 5(6A) of the Bail Act 1976 that it heard full argument on his application for bail before it refused the application.”.

(2) In subsection (6)(a) of section 5 of the Bail Act 1976 (supplementary provisions about decisions on bail) after the word “Court”, in the first place where it occurs, there shall be inserted the words “or if it issues a certificate under subsection (6A) below”.

(3) The following subsections shall be inserted after that subsection—

“(6A) Where in criminal proceedings—

(a) a magistrates’ court remands a person in custody under any of the following provisions of the Magistrates’ Courts Act 1980—

- (i) section 5 (adjournment of inquiry into offence);
- (ii) section 10 (adjournment of trial);
- (iii) section 18 (initial procedure on information against adult for offence triable either way); or
- (iv) section 30 (remand for medical examination),

after hearing full argument on an application for bail from him; and

(b) either—

- (i) it has not previously heard such argument on an application for bail from him in those proceedings; or
- (ii) it has previously heard full argument from him on such an application but it is satisfied that there has been a change in his circumstances or that new considerations have been placed before it,

it shall be the duty of the court to issue a certificate in the prescribed form that they heard full argument on his application for bail before they refused the application.

(6B) Where the court issues a certificate under subsection (6A) above in a case to which paragraph (b)(ii) of that subsection applies, it shall state in the certificate the nature of the change of circumstances or the new considerations which caused it to hear a further fully argued bail application.

(6C) Where a court issues a certificate under subsection (6A) above it shall cause the person to whom it refuses bail to be given a copy of the certificate.”.

F2(4)

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Textual Amendments

- F1** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/1604, art. 2(d)
- F2** S. 60(4) repealed by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), s. 45, **Sch. 6**
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Marginal Citations

- M3** 1981 c. 54

Changes to legislation:

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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](#)