



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 ^{M1}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.

Changes to legislation: Criminal Justice Act 1988, Section 155 is up to date with all changes known to be in force on or before 19 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](#)

- (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 ^{M2}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.”.

Marginal Citations

M1 1980 c. 43.

M2 1976 c. 63.

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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. 36(2)(b)(v) and word inserted by [2019 c. 17 s. 13\(3\)\(b\)](#)
- s. 36(3A)(3B) substituted for s. 36(3A) by [2008 c. 4 s. 46\(2\)](#)
- s. 41(4A) inserted by [2004 c. 28 Sch. 10 para. 28](#)
- s. 139AZA(1)(a)(iii) and word inserted by [2019 c. 17 s. 13\(4\)\(b\)](#)