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Magistrates' Courts Act 1980

1980 CHAPTER 43

PART I

CRIMINAL JURISDICTION AND PROCEDURE

Jurisdiction to issue process and deal with charges

1 Issue of summons to accused or warrant for his arrest.

- (1) Upon an information being laid before a justice of the peace for an area to which this section applies that any person has, or is suspected of having, committed an offence, the justice may, in any of the events mentioned in subsection (2) below, but subject to subsections (3) to (5) below,—
- (a) issue a summons directed to that person requiring him to appear before a magistrates' court for the area to answer to the information, or
 - (b) issue a warrant to arrest that person and bring him before a magistrates' court for the area or such magistrates' court as is provided in subsection (5) below.
- (2) A justice of the peace for an area to which this section applies may issue a summons or warrant under this section—
- (a) if the offence was committed or is suspected to have been committed within the area, or
 - (b) if it appears to the justice necessary or expedient, with a view to the better administration of justice, that the person charged should be tried jointly with, or in the same place as, some other person who is charged with an offence, and who is in custody, or is being or is to be proceeded against, within the area, or
 - (c) if the person charged resides or is, or is believed to reside or be, within the area, or
 - (d) if under any enactment a magistrates' court for the area has jurisdiction to try the offence, or
 - (e) if the offence was committed outside England and Wales and, where it is an offence exclusively punishable on summary conviction, if a magistrates court

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for the area would have jurisdiction to try the offence if the offender were before it.

- (3) No warrant shall be issued under this section unless the information is in writing and substantiated on oath.
- (4) No warrant shall be issued under this section for the arrest of any person who has attained [^{F1} the age of 18 years] unless—
 - (a) the offence to which the warrant relates is an indictable offence or is punishable with imprisonment, or
 - (b) the person's address is not sufficiently established for a summons to be served on him.
- (5) Where the offence charged is not an indictable offence—
 - (a) no summons shall be issued by virtue only of paragraph (c) of subsection (2) above, and
 - (b) any warrant issued by virtue only of that paragraph shall require the person charged to be brought before a magistrates' court having jurisdiction to try the offence.
- (6) Where the offence charged is an indictable offence, a warrant under this section may be issued at any time notwithstanding that a summons has previously been issued.
- (7) A justice of the peace may issue a summons or warrant under this section upon an information being laid before him notwithstanding any enactment requiring the information to be laid before two or more justices.
- (8) The areas to which this section applies are any county, any London commission area and the City of London.

Textual Amendments

F1 Words in s. 1(4) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 68(d), 101(1), Sch. 8 para. 6(1)(a), **Sch. 12 para. 22(1)**; S.I. 1992/333, art. 2(2), **Sch.2**

Modifications etc. (not altering text)

C1 S. 1(2) modified by Road Traffic Act 1974 (c. 50, SIF 107:1), s. 5(8) (as inserted by Transport Act 1982 (c. 49, SIF 107:1), s. 74(1), **Sch. 5 para. 18(8)**)

C2 S. 1(2) modified by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), ss. 111(8), 143, 144, 145(5), **Sch. 12 para. 10(3)**

2 Jurisdiction to deal with charges.

- (1) A magistrates' court for a county, a London commission area or the City of London shall have jurisdiction to try all summary offences committed within the county, the London commission area or the City (as the case may be).
- (2) Where a person charged with a summary offence appears or is brought before a magistrates' court in answer to a summons issued under paragraph (b) of section 1(2) above, or under a warrant issued under that paragraph, the court shall have jurisdiction to try the offence.
- (3) A magistrates' court for a county, a London commission area or the City of London shall have jurisdiction as examining justices over any offence committed by a person

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who appears or is brought before the court, whether or not the offence was committed within the county, the London commission area or the City (as the case may be).

- (4) Subject to sections 18 to 22 below and any other enactment (wherever contained) relating to the mode of trial of offences triable either way, a magistrates' court shall have jurisdiction to try summarily an offence triable either way in any case in which under subsection (3) above it would have jurisdiction as examining justices.
- (5) A magistrates' court shall, in the exercise of its powers under section 24 below, have jurisdiction to try summarily an indictable offence in any case in which under subsection (3) above it would have jurisdiction as examining justices.
- (6) A magistrates' court for any area by which a person is tried for an offence shall have jurisdiction to try him for any summary offence for which he could be tried by a magistrates' court for any other area.
- (7) Nothing in this section shall affect any jurisdiction over offences conferred on a magistrates' court by any enactment not contained in this Act.

Modifications etc. (not altering text)

- C3** S. 2(1) modified by [Road Traffic Act 1974 \(c. 50, SIF 107:1\)](#), [s. 5\(8\)](#) (as inserted by [Transport Act 1982 \(c. 49, SIF 107:1\)](#), [s. 74\(1\)](#), [Sch. 5 para. 18\(8\)](#))
- C4** S. 2(1) modified by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), [ss. 111\(8\), 143, 144, 145\(5\)](#), [Sch. 12 para. 10\(3\)](#)

3 Offences committed on boundaries, etc.

- (1) Where an offence has been committed on the boundary between two or more areas to which this section applies, or within 500 yards of such a boundary, or in any harbour, river, arm of the sea or other water lying between two or more such areas, the offence may be treated for the purposes of the preceding provisions of this Act as having been committed in any of those areas.
- (2) An offence begun in one area to which this section applies and completed in another may be treated for the purposes of the preceding provisions of this Act as having been wholly committed in either.
- (3) Where an offence has been committed on any person, or on or in respect of any property, in or on a vehicle or vessel engaged on any journey or voyage through two or more areas to which this section applies, the offence may be treated for the purposes of the preceding provisions of this Act as having been committed in any of those areas; and where the side or any part of a road or any water along which the vehicle or vessel passed in the course of the journey or voyage forms the boundary between two or more areas to which this section applies, the offence may be treated for the purposes of the preceding provisions of this Act as having been committed in any of those areas.
- (4) The areas to which this section applies are any county, any London commission area and the City of London.

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VALID FROM 01/04/1996

[^{F2}3A Offences committed on ships and abroad.

Sections 280, 281 and 282 of the Merchant Shipping Act 1995 (offences on ships and abroad by British citizens and others) apply in relation to other offences under the law of England and Wales as they apply in relation to offences under that Act or instruments under that Act.]

Textual Amendments

F2 S. 3A inserted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para.55** (with s. 312(1))

[^{F3}3B Transfer of trials of summary offences.

- (1) Where a person is required to appear, or to be brought, before a magistrates' court on an information charging him with a summary offence, he or the prosecutor may apply to the court for the offence to be tried by a magistrates' court which is named in the application but which would not, apart from subsection (2) below, have jurisdiction to try the offence.
- (2) Where an application under this section is granted, the court named in it shall have jurisdiction to try the offence.
- (3) The Lord Chancellor may make regulations specifying—
 - (a) matters which a court must consider in deciding whether to grant or refuse an application under this section; and
 - (b) circumstances in which a court must grant or refuse such an application.
- (4) The power to make regulations under subsection (3) above shall be exercisable by statutory instrument which shall be subject to annulment by resolution of either House of Parliament.]

Textual Amendments

F3 S. 3B inserted (*prosp.*) by 1999 c. 22, ss. 80(1), 108(1) (with **Sch. 14 para. 7(2)**)

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