



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.

- [^{F1}(1) On an information being laid before a justice of the peace that a person has, or is suspected of having, committed an offence, the justice may issue—
- (a) a summons directed to that person requiring him to appear before a magistrates' court to answer the information, or
 - (b) a warrant to arrest that person and bring him before a magistrates' court.]
- (2) ^{F2}
- (3) No warrant shall be issued under this section unless the information is in writing ^{F3}
- (4) No warrant shall be issued under this section for the arrest of any person who has attained [^{F4} 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) ^{F2}
- (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.

Status: Point in time view as at 09/05/2005.

Changes to legislation: Magistrates' Courts Act 1980, Cross Heading: Jurisdiction to issue process and deal with charges is up to date with all changes known to be in force on or before 21 July 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)

(8) ^{F2}

Textual Amendments

- F1** S. 1(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 43(1), 110; S.I. 2005/910, art. 3(p)
- F2** S. 1(2)(5)(8) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 43(2), 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(p)(aa)
- F3** Words in s. 1(3) omitted (29.1.2004) by virtue of Criminal Justice Act 2003 (c. 44), ss. {31(1)}, 336; S.I. 2004/81, art. 4(1)(2)(d) and the same words repealed (15.12.2004) by s. 332, {Sch. 37 Part. 12} of that Act; S.I. 2004/3033, art. 3(2)(e)(ii)
- F4** 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

[^{F5}2 Trial of summary offences

- (1) A magistrates' court has jurisdiction to try any summary offence.
- (2) A magistrates' court has jurisdiction [^{F6}under sections 51 and 51A of the Crime and Disorder Act 1998 in respect of] any offence committed by a person who appears or is brought before the court.
- (3) Subject to—
- sections 18 to 22, and
 - any other enactment (wherever contained) relating to the mode of trial of offences triable either way,
- a magistrates' court has jurisdiction to try summarily any offence which is triable either way.
- (4) A magistrates' court has jurisdiction, in the exercise of its powers under section 24, to try summarily an indictable offence.
- (5) This section does not affect any jurisdiction over offences conferred on a magistrates' court by any enactment not contained in this Act.]

Textual Amendments

- F5** S. 2 substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 44, 110; S.I. 2005/910, art. 3(p)
- F6** Words in s. 2(2) substituted (9.5.2005 for specified purposes, otherwise prosp.) by Criminal Justice Act 2003 (c. 44), ss. 41, 336, Sch. 3 para. 51(2); S.I. 2005/1267, art. 2(2)(a), Sch. para. 1(1)(i)

3 Offences committed on boundaries, etc.

^{F7}

Textual Amendments

- F7** S. 3 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110, Sch. 8 para. 201, Sch. 10; S.I. 2005/910, art. 3(y)(aa)

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[^{F8}**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

F8 S. 3A inserted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para.55** (with s. 312(1))

3B **Transfer of trials of summary offences.**

^{F9}

Textual Amendments

F9 S. 3B repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 46(2), 109(3), 110, {Sch. 10}); S.I. 2005/910, **art. 3**

Status:

Point in time view as at 09/05/2005.

Changes to legislation:

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