



# 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.**

[<sup>F1</sup>(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) <sup>F2</sup>.....

(3) No warrant shall be issued under this section unless the information is in writing <sup>F3</sup>....

(4) No warrant shall be issued under this section for the arrest of any person who has attained [<sup>F4</sup> 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.

[<sup>F5</sup>(4A) Where a person who is not a [<sup>F6</sup>relevant prosecutor authorised to issue requisitions] lays an information before a justice of the peace in respect of an offence to which this subsection applies, no warrant shall be issued under this section without the consent of the Director of Public Prosecutions.

<sup>F7</sup>(4B).....

(4C) Subsection (4A) applies to—

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- (a) a qualifying offence which is alleged to have been committed outside the United Kingdom, or
- (b) an ancillary offence relating to a qualifying offence where it is alleged that the qualifying offence was, or would have been, committed outside the United Kingdom.

(4D) In subsection (4C) “qualifying offence” means any of the following—

- (a) piracy or an offence under section 2 of the Piracy Act 1837 (piracy where murder is attempted);
- (b) an offence under section 1 of the Geneva Conventions Act 1957 (grave breaches of Geneva conventions);
- (c) an offence which (disregarding the provisions of the Suppression of Terrorism Act 1978, the Nuclear Material (Offences) Act 1983, the United Nations Personnel Act 1997 and the Terrorism Act 2000) would not be an offence apart from section 1 of the Internationally Protected Persons Act 1978 (attacks and threats of attacks on protected persons);
- (d) an offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking);
- (e) an offence under section 1, 2 or 6 of the Aviation Security Act 1982 (hijacking etc);
- (f) an offence which (disregarding the provisions of the Internationally Protected Persons Act 1978, the Suppression of Terrorism Act 1978, the United Nations Personnel Act 1997 and the Terrorism Act 2000) would not be an offence apart from sections 1 to 2A of the Nuclear Material (Offences) Act 1983 (offences relating to nuclear material);
- (g) an offence under section 134 of the Criminal Justice Act 1988 (torture);
- (h) an offence under section 1 of the Aviation and Maritime Security Act 1990 (endangering safety at aerodromes);
- (i) an offence under sections 9 to 14 of that Act (hijacking ships etc);
- (j) an offence which (disregarding the provisions of the Internationally Protected Persons Act 1978, the Suppression of Terrorism Act 1978, the Nuclear Material (Offences) Act 1983 and the Terrorism Act 2000) would not be an offence apart from sections 1 to 3 of the United Nations Personnel Act 1997 (attacks on UN workers etc).

(4E) In subsection (4C) “ancillary offence”, in relation to an offence, means—

- (a) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to the offence (including, in relation to times before the commencement of that Part, an offence of incitement);
- (b) attempting or conspiring to commit the offence.]

(5) <sup>F2</sup> .....

(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) <sup>F2</sup> .....

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### 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** S. 1(4A)-(4E) inserted (15.9.2011) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 153\(1\)](#), 157(3)(b)
- F6** Words in s. 1(4A) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 11 para. 3\(2\)](#); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 77](#)
- F7** S. 1(4B) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 11 para. 3\(3\)](#); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 77](#)

### [<sup>F8</sup>2 Trial of summary offences

- (1) A magistrates' court has jurisdiction to try any summary offence.
- (2) A magistrates' court has jurisdiction [<sup>F9</sup>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—
  - (a) sections 18 to [<sup>F10</sup>22A] , and
  - (b) 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

- F8** S. 2 substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), [ss. 44](#), 110; [S.I. 2005/910](#), [art. 3\(p\)](#)
- F9** Words in s. 2(2) substituted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 51\(2\)](#); [S.I. 2005/1267](#), [art. 2\(1\)\(2\)\(a\)](#), [Sch. Pt. 1](#); [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#)); [S.I. 2012/2574](#), [art. 2\(2\)\(3\)\(c\)](#), [Sch. \(with arts. 3, 4\)](#) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#)); [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))
- F10** Word in s. 2(3)(a) substituted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 176\(2\)](#), 185(1) (with [ss. 8, 21, 33, 42, 58, 75, 93, 176\(8\)](#)); [S.I. 2014/949](#), [art. 3](#), [Sch. para. 17](#)

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### 3 Offences committed on boundaries, etc.

F11

#### Textual Amendments

F11 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)**

### <sup>F12</sup>[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

F12 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.

F13

#### Textual Amendments

F13 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**

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