



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART IV

WITNESSES AND EVIDENCE

Evidence in criminal cases

^{F1}102

Textual Amendments

^{F1} S. 102 repealed (4.7.1996, with effect as mentioned in Sch. 1 Pt. III para. 39 of the repealing Act) by 1996 c. 25, ss. 47, 80, Sch. 1 Pt 1 para. 9, **Sch. 5** table10 (with s. 78(1)); S.I. 1997/683, **art. 1(2)**

^{F2}103 **Evidence of persons under 14 in committal proceedings for assault, sexual offences etc.**

^{F3}^{F4}(1) In any proceedings before a magistrates' court inquiring as examining justices into an offence to which this section applies, a statement made in writing by or taken in writing from a child shall be admissible in evidence of any matter.]

(2) This section applies—

- (a) to an offence which involves an assault, or injury or a threat of injury to, a person;
- (b) to an offence under section 1 of the ^{M1}Children and Young Persons Act 1933 (cruelty to persons under 16);
- (c) to an offence under the ^{M2}Sexual Offences Act 1956, ^{F5} . . . ^{M3}the Protection of Children Act 1978 [^{F6}or Part 1 of the Sexual Offences Act 2003] ; and
- (d) to an offence which consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, an offence falling within paragraph (a), (b) or (c) above.

Status: Point in time view as at 28/05/2013.

Changes to legislation: Magistrates' Courts Act 1980, Cross Heading: Evidence in criminal cases is up to date with all changes known to be in force on or before 23 June 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)

^{F7}(3)

^{F7}(4)

[^{F8}(5) In this section “child” has the same meaning as in section 53 of the Criminal Justice Act 1991.]]]

Textual Amendments

- F2** S. 103 substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 33, 123(6), [Sch. 8 para. 16](#)
- F3** S. 103 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s.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\(6\)\(b\)](#); [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](#))
- F4** S. 103(1) substituted (4.7.1996, with effect as mentioned in [Sch. 1 Pt. III para. 39](#) of the substituting Act) by [1996 c. 25](#), s. 47, [Sch. 1 Pt. I para. 10\(2\)](#) (with s. 78(1)); [S.I. 1997/683](#), [art. 1\(2\)](#)
- F5** Words in s. 103(2)(c) repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), ss. 140, 141, [Sch. 7](#); [S.I. 2004/874](#), [art. 2](#)
- F6** Words in s. 103(2)(c) inserted (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), ss. 139, 141, [Sch. 6 para. 26\(2\)](#); [S.I. 2004/874](#), [art. 2](#)
- F7** S. 103(3)(4) repealed (4.7.1996, with effect as mentioned in [Sch. 1 Pt. III para. 39](#) of the repealing Act) by [1996 c. 25](#), ss. 47, 80, [Sch. 1 Pt. I para. 10\(3\)](#), [Sch. 5](#) table10 (with s. 78(1)); [S.I. 1997/683](#), [art. 1\(2\)](#)
- F8** S. 103(5) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 55(1); [S.I. 1992/333](#), [art. 2\(2\)](#), [Sch. 2](#)

Modifications etc. (not altering text)

- C1** S. 103(2)(d) modified (1.10.2008) by [Serious Crimes Act 2007 \(c. 27\)](#), ss. 63(1), 94, [Sch. 6 para. 5\(b\)](#) (with [Sch. 13 para. 5](#)); [S.I. 2008/2504](#), [art. 2\(a\)\(g\)](#)

Marginal Citations

- M1** [1933 c. 12 \(20\)](#).
- M2** [1956 c. 69](#)
- M3** [1978 c. 37](#)

104 Proof of previous convictions.

Where a person is convicted of a summary offence by a magistrates' court, other than a [^{F9}youth court], and—

- (a) it is proved to the satisfaction of the court, on oath or in such other manner as may be prescribed, that not less than 7 days previously a notice was served on the accused in the prescribed form and manner specifying any alleged previous conviction of the accused of a summary offence proposed to be brought to the notice of the court in the event of his conviction of the offence charged; and
- (b) the accused is not present in person before the court,
- the court may take account of any such previous conviction so specified as if the accused had appeared and admitted it.

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Textual Amendments

F9 Words in s. 104 substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11 para. 40\(2\)\(n\)](#); [S.I. 1992/333](#), art. 2(2), [Sch.2](#)

Modifications etc. (not altering text)

C2 [S. 104](#) restricted (1.9.1998) by [1988 c. 53](#), [s. 13\(3A\)\(3B\)](#) (as inserted (1.9.1998)) by [1998 c. 15](#), [s. 2\(1\)](#); [S.I. 1998/1837](#), [art.2](#) (with transitional savings in [art. 3](#))

F10 **105**

Textual Amendments

F10 [S. 105](#) repealed (4.7.1996, with effect as mentioned in [Sch. 1 Pt. III para. 39](#) of the repealing Act) by [1996 c. 25](#), [ss. 47, 80](#), [Sch. 1 Pt. I para. 11](#), [Sch. 5 table10](#) (with [s. 78\(1\)](#)); [S.I. 1997/683](#), [art. 1\(2\)](#)

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