



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART VII

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Constitution and place of sitting of magistrates' courts*

#### **121 Constitution and place of sitting of court.**

- (1) A magistrates' court shall not try an information summarily or hear a complaint except when composed of at least 2 justices unless the trial or hearing is one that by virtue of any enactment may take place before a single justice.
- (2) A magistrates' court shall not hold an inquiry into the means of an offender for the purposes of section 82 above [<sup>F1</sup>or determine under that section at a hearing at which the offender is not present whether to issue a warrant of commitment] except when composed of at least 2 justices.
- (3) <sup>F2</sup>.....
- [<sup>F3</sup>(4) Subject to the provisions of any enactment to the contrary, a magistrates' court must sit in open court if it is—
  - (a) trying summarily an information for an indictable offence,
  - (b) trying an information for a summary offence,
  - (c) imposing imprisonment,
  - (d) hearing a complaint, or
  - (e) holding an inquiry into the means of an offender for the purposes of section 82.]
- (5) A magistrates' court composed of a single justice <sup>F4</sup> . . . , shall not impose imprisonment for a period exceeding 14 days or order a person to pay more than £1.
- [<sup>F5</sup>(5A) A magistrates' court that is trying a summary offence in accordance with section 16A is restricted to the following in dealing with the accused for the offence—

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*Status: Point in time view as at 12/02/2019.*

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- (a) imposing a fine;
  - (b) imposing a penalty under section 102(3)(aa) of the Customs and Excise Management Act 1979 or section 29, 35A or 37 of the Vehicle Excise and Registration Act 1994 (penalties imposed for certain offences in relation to vehicle excise licences);
  - (c) ordering an amount to be paid under section 30, 36 or 38 of the Vehicle Excise and Registration Act 1994 (liability to additional duty);
  - (d) making an order under section 130(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (compensation orders);
  - (e) ordering payment of a surcharge under section 161A of the Criminal Justice Act 2003 (victim surcharge);
  - (f) making an order as to costs to be paid by the accused to the prosecutor under section 18 of the Prosecution of Offences Act 1985;
  - (g) making an order as to costs to be paid by the accused by virtue of section 19 of the Prosecution of Offences Act 1985;
  - (h) ordering payment of a charge under section 21A of the Prosecution of Offences Act 1985 (criminal courts charge);
  - (i) making an order under section 30A of the Road Traffic Offenders Act 1988 (order to disregard penalty points if approved course attended);
  - (j) making an order under section 34 or 35 of the Road Traffic Offenders Act 1988 (disqualification from driving);
  - (k) making an order under section 44 of the Road Traffic Offenders Act 1988 (endorsement of a driving record);
  - (l) making an application to the Secretary of State by virtue of section 24(1)(a) of the Criminal Justice Act 1991 (benefit deductions);
  - (m) making an attachment of earnings order under Part 3 of Schedule 5 to the Courts Act 2003;
  - (n) making an application for benefits deductions to the Secretary of State under Part 3 of Schedule 5 to the Courts Act 2003;
  - (o) making a collection order under Part 4 of Schedule 5 to the Courts Act 2003;
  - (p) discharging the accused absolutely or conditionally.
- (5B) The limit in subsection (5) does not apply to fines imposed as described in subsection (5A).]
- (6) Subject to the provisions of subsection (7) below, the justices composing the court before which any proceedings take place shall be present during the whole of the proceedings; but, if during the course of the proceedings any justice absents himself, he shall cease to act further therein and, if the remaining justices are enough to satisfy the requirements of the preceding provisions of this section, the proceedings may continue before a court composed of those justices.
- (7) Where the trial of an information is adjourned after the accused has been convicted and before he is sentenced or otherwise dealt with, the court which sentences or deals with him need not be composed of the same justices as that which convicted him; but, where among the justices composing the court which sentences or deals with an offender there are any who were not sitting when he was convicted, the court which sentences or deals with the offender shall before doing so make such inquiry into the facts and circumstances of the case as will enable the justices who were not sitting when the offender was convicted to be fully acquainted with those facts and circumstances.

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F6(8) .....

#### Textual Amendments

- F1 Words inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 61(6), 123(6), **Sch. 8 para. 16**
- F2 S. 121(3) repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1)(3), 110, Sch. 8 para. 237(2), **Sch.10**; S.I. 2005/910, **art. 3(y)(aa)**
- F3 S. 121(4) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, **Sch. 8 para. 237(3)**; S.I. 2005/910, **art. 3(y)**
- F4 Words in s. 121(5) repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1)(3), 110, Sch. 8 para. 237(4), **Sch.10**; S.I. 2005/910, **art. 3(y)(aa)**
- F5 S. 121(5A)(5B) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), ss. 49, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 40
- F6 S. 121(8) repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 99** Table; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

#### Modifications etc. (not altering text)

- C1 S. 121(1)(3)(a) applied (with modifications) (1.4.1997) by S.I. 1997/704, **rule 5(1)(3)(4)(g)**
- C2 S. 121(1) applied (with modifications) by S.I. 2010/60, rule 62.16 (as substituted (4.4.2011) by [The Criminal Procedure \(Amendment No. 2\) Rules 2010 \(S.I. 2010/3026\)](#), rules 1, 9, **Sch. 2**)
- C3 S. 121(1) modified (3.10.2011) by [The Criminal Procedure Rules 2011 \(S.I. 2011/1709\)](#), **rule 62.16(3)(e)**
- C4 S. 121(1) modified (1.10.2012) by [The Criminal Procedure Rules 2012 \(S.I. 2012/1726\)](#), **rule 62.16(2)(3)(e)**
- C5 S. 121(1) modified (7.10.2013) by [The Criminal Procedure Rules 2013 \(S.I. 2013/1554\)](#), **rule 62.16(2)(3)(e)** (with rule 2.1)
- C6 S. 121(1) modified (6.10.2014) by [The Criminal Procedure Rules 2014 \(S.I. 2014/1610\)](#), **rule 62.16(2)(3)(e)** (with rule 2.1)
- C7 S. 121(1) modified (5.10.2015) by [The Criminal Procedure Rules 2015 \(S.I. 2015/1490\)](#), **rule 48.16(2)(3)**
- C8 S. 121(4) disapplied (6.4.2010) by [The Health and Social Care Act 2008 \(Commencement No. 15, Consequential Amendments and Transitional and Savings Provisions\) Order 2010 \(S.I. 2010/708\)](#), arts. 1(1)(c), **10**

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