



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART VII

MISCELLANEOUS AND SUPPLEMENTARY

Limitation of time

127 **Limitation of time.**

- (1) Except as otherwise expressly provided by any enactment and subject to subsection (2) below, a magistrates' court shall not try an information or hear a complaint unless the information was laid, or the complaint made, within 6 months from the time when the offence was committed, or the matter of complaint arose.
- (2) Nothing in—
 - (a) subsection (1) above; or
 - (b) subject to subsection (4) below, any other enactment (however framed or worded) which, as regards any offence to which it applies, would but for this section impose a time-limit on the power of a magistrates' court to try an information summarily or impose a limitation on the time for taking summary proceedings,shall apply in relation to any indictable offence.
- (3) Without prejudice to the generality of paragraph (b) of subsection (2) above, that paragraph includes enactments which impose a time-limit that applies only in certain circumstances (for example, where the proceedings are not instituted by or with the consent of the Director of Public Prosecutions or some other specified authority).
- (4) Where, as regards any indictable offence, there is imposed by any enactment (however framed or worded, and whether falling within subsection (2) (b) above or not) a limitation on the time for taking proceedings on indictment for that offence no summary proceedings for that offence shall be taken after the latest time for taking proceedings on indictment.

Status: Point in time view as at 01/09/2004.

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Modifications etc. (not altering text)

- C1** S. 127 excluded by **Insurance Companies Act 1982** (c. 50, SIF 67), **s. 94(2)**
- C2** S. 127 excluded by **Water Act 1989** (c. 15, SIF 130), ss. 58(7), 101(1), 121(2), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
S. 127 excluded (25.11.1991) by **Town and Country Planning Act 1990** (c. 8, SIF 123:1), **ss. 65(9), 194(3)** (as substituted (25.11.1991) by **Planning and Compensation Act 1991** (c. 34, SIF 123:1), **ss. 16(1)** and 10(1) respectively; S.I. 1991/2728, **art. 2** (for limited purposes))
- C3** S. 127 excluded (1.12.1991) by **Water Resources Act 1991** (c. 57, SIF 130), **ss. 101, 225(2)** (with ss. 16(6), 179, 222(3), Sch. 22 para. 1, Sch. 23 para. 6)
- C4** S. 127 excluded: (1.12.1991) by **Water Resources Act 1991** (c. 57, SIF 130), **ss. 202(5), 225(2)** (with ss. 16(6), 179, 222(3), Sch. 22 para. 1, Sch. 23 para. 6); and (28.10.1992) by S.I. 1992/2372, **reg. 90**
S. 127 excluded (1.4.1997) by S.I. 1997/704, **rule 5(1)(7)(a)**
S. 127 excluded (25.7.2003 for specified purposes and 29.12.2003 for further specified purposes) by **Communications Act 2003** (c. 21), **ss. 174(1), 411(5)** (with Sch. 18); S.I. 2003/1900, art. 1(2), **2, 3(1), Sch. 1**; S.I. 2003/3142, **art. 3(2)** (with art. 11)
S. 127 excluded (5.4.2004) by 1976 c. 63, s. 6(10) (as inserted by **Criminal Justice Act 2003** (c. 44), **ss. 15(3), 336** (with s. 141); S.I. 2004/829, **art. 2(2)(b)** (subject to art. 2(3)–(6))
S. 127 excluded (7.3.2005) by S.I. 2005/281, **reg. 93**
S. 127 excluded (1.10.2005) by S.I. 2005/1803, **reg. 41(1)**
S. 127 excluded (8.2.2007) by 2006 c. 36, **ss. 41(8)(a), 126**
S. 127 excluded (20.7.2007) by 2006/3418, {reg. 54} (with regs. 7–14, 63, 64)
- C5** S. 127 restricted (1.10.2009) by **Planning Act 2008** (c. 29), **ss. 58(6)(7), 226, 241**; S.I. 2009/2260, **art. 2**
- C6** S. 127(1) modified by **Transport Act 1982** (c. 49, SIF 107:1), **ss. 38(3)(8), 49(13)(b)**
- C7** S. 127(1) excluded by **Companies Act 1985** (c. 6, SIF 27), **s. 731(2)**
- C8** S. 127(1) modified by **Surrogacy Arrangements Act 1985** (c. 49, SIF 39:2), **s. 4(6)**
- C9** S. 127(1) excluded by **Animals (Scientific Procedures) Act 1986** (c. 14, SIF 4:5), **s. 26(3)**
- C10** S. 127(1) excluded by **Insolvency Act 1986** (c. 45, SIF 66), **s. 431(2)**
- C11** S. 127(1) excluded by **Banking Act 1987** (c. 22, SIF 10), **s. 97(2)**
S. 127(1) excluded (23.5.1994) by S.I. 1994/1323, **art. 17(7)**
S. 127(1) excluded (19.10.1994) by S.I. 1994/2673, **art. 13(7)**
S. 127 excluded (1.4.1997) by S.I. 1997/704, **rule 5(1)(7)(a)**
S. 127(1) excluded (1.7.1999) by 1985 c. 23, **s. 22B(4)** (as inserted by 1998 c. 37, **ss. 45, 121(2)**; S.I. 1999/1279, **art. 2**)
S. 127(1) excluded (3.2.1995) by 1991 c. 53, **s. 20A** (as inserted by 1994 c. 33, s. 168(1), **Sch. 9 para. 43**; S.I. 1995/127, art. 2(1), **Sch. 1 Appendix A**)
S. 127(1) excluded (1.11.1997) (*temp.*) by S.I. 1997/2592, **art. 12(7)**
- C12** S. 127(1) modified by **Road Traffic Offenders Act 1988** (c. 53, SIF 107:1), **ss. 64(7)(b), 66(4), 92**
S. 127(1) modified (21.7.1997) by 1997 c. 22, **s. 21(4)(a)**; S.I. 1997/1672, **art. 2**
- C13** S. 127(1) excluded by S.I. 1989/438, **reg. 29(3)**
- C14** S. 127(1) excluded by S.I. 1989/1058, **reg. 12(3)**
- C15** S. 127(1) excluded (14.10.1991) by **Children Act 1989** (c. 41, SIF 20), **ss. 70(8), 108(6)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- C16** S. 127(1) excluded by S.I. 1990/1768, **art. 8(6)** (as replaced by S.I. 1990/2144, **art. 3**)
- C17** S. 127(1) excluded: (1.10.1992) by **Criminal Justice Act 1991** (c. 53, SIF 39:1), ss. 20(4), 101(1), **Sch. 12 para. 6** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**; and (1.4.1992) by S.I. 1992/613, **reg. 34(3)**; and (15.4.1992) by S.I. 1992/975, **art. 16(7)**; and (5.6.1992) by S.I. 1992/1302, **art. 17(7)**; and (1.5.1993) by S.I. 1993/1188, **art. 16(6)**; and (24.5.1993) by S.I. 1993/1244, **art. 22(8)**; and (22.7.1993) by S.I. 1993/1784, **art. 13(7)**; and (22.7.1993) by S.I. 1993/1787, **art. 10(7)**; and (1.10.1993) by S.I. 1993/2355, **art. 12(7)**; and (1.12.1993) by S.I. 1993/2807, **art. 19(7)**

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- S. 127(1) excluded (25.10.1999) by 1973 c. 35, s. 11A(2) (as inserted (25.10.1999) by 1999 c. 26, s. 31, Sch. 7 paras. 1, 5; S.I. 1999/2830, 2(1), Sch. 1 Pt. I)
- S. 127(1) excluded (26.11.1999) by S.I. 1999/3133, art. 8(7)
- C18** S. 127(1) amended (4.7.1996) by 1996 c. 25, s. 56 (with s. 78(1))
- S. 127(1) excluded (3.6.1999) by S.I. 1999/1516, reg. 9(4)
- S. 127(1) excluded (16.6.2000) by S.I. 2000/1556, art. 17
- S. 127(1) excluded (25.8.2000) by 2000 c. 6, ss. 126(6), 168(1)
- S. 127(1) excluded (16.2.2001) by 2000 c. 41, s. 151(2) (with s. 156(6)); S.I. 2001/222, art. 2, Sch. 1 Pt. I
- S. 127(1) excluded (16.3.2001) by S.I. 2001/947, art. 16(7)
- S. 127(1) excluded (10.10.2001) by S.I. 2001/3365, art. 10(5)
- S. 127(1) excluded (14.12.2001) by 2001 c. 24, ss. 6, 127(2), Sch. 3 para. 8(4) (with s. 14(3))
- S. 127(1) excluded (24.10.2002) by S.I. 2002/2628, art. 16(7)
- S. 127(1) excluded (25.1.2002) by S.I. 2002/111, art. 20(8)
- S. 127(1) excluded (14.1.2003) by 1981 c. 22, s. 71A (as inserted by 2002 c. 42, s. 14); S.I. 2002/3044 art. 2(a)
- S. 127(1) excluded (14.6.2003) by S.I. 2003/1519, art. 20(7)
- S. 127(1) excluded (13.2.2004) by S.I. 2004/348, art. 15(7)
- S. 127(1) excluded (11.2.2005) by S.I. 2005/253, reg. 9(7)
- S. 127(1) excluded (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 162(6), 336; S.I. 2005/950, art. 2, Sch. 1 para. 7 (subject to art. 2(2) and Sch. 2)
- S. 127(1) excluded (21.8.2006) by 1984 c. 55, s. 35A(1) (as inserted by Climate Change and Sustainable Energy Act 2006 (c. 19), ss. 13(1), 28)
- S. 127(1) excluded (21.5.2007) by Gambling Act 2005 (c. 19), ss. 347(2), 361 (with ss. 352, 354); S.I. 2006/3272, art. 2(4), Sch. 2 (as amended by S.I. 2007/1157, arts. 3(3), 4(2)(3)(c))
- S. 127(1) excluded (27.3.2007 for W. and 6.4.2007 for E.) by Animal Welfare Act 2006 (c. 45), ss. 31(1), 68 (with ss. 1(2), 58(1), 59 and 60); S.I. 2007/1030, art. 2(1)(e); S.I. 2007/499, art. 2(2)(g)
- C19** S. 127(1) modified (7.2.2005) by Licensing Act 2003 (c. 17), ss. 186(3), 201 (with ss.2(3), 15(2), 195); S.I. 2004/2360, art. 2
- C20** S. 127(1) excluded by 1998 c. 37, s. 13B(7) (as inserted (20.7.2006 for certain purposes, otherwise prosp.) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 144, 178, Sch. 10 para. 2; S.I. 2006/1871, art. 2, Sch.
- C21** S. 127(1) excluded (26.5.2008) by The Business Protection from Misleading Marketing Regulations 2008 (S.I. 2008/1276), reg. 10(3)
- C22** S. 127(1) excluded (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 14(3) (with savings in reg. 28(2)(3))
- C23** S. 127(1) excluded (10.10 a.m. on 8.10.2008) by The Landsbanki Freezing Order 2008 (S.I. 2008/2668), art. 10(3)
- C24** S. 127(1) excluded (prosp.) by the Public Health (Control of Disease) Act 1984 (c. 22) 1984 c. 22, ss. 64A(1) (as inserted by the Health and Social Care Act 2008 (c. 14), ss. 130, 170, Sch. 11 para. 22)
- C25** S. 127(1) excluded (10.4.2009) by The Iran (United Nations Sanctions) Order 2009 (S.I. 2009/886), art. 12(6)
- C26** S. 127(1) excluded (10.7.2009) by The North Korea (United Nations Sanctions) Order 2009 (S.I. 2009/1749), art. 14(6)

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