



# 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.**

- (1) Upon an information being laid before a justice of the peace for an area to which this section applies that any person has, or is suspected of having, committed an offence, the justice may, in any of the events mentioned in subsection (2) below, but subject to subsections (3) to (5) below,—
- (a) issue a summons directed to that person requiring him to appear before a magistrates' court for the area to answer to the information, or
  - (b) issue a warrant to arrest that person and bring him before a magistrates' court for the area or such magistrates' court as is provided in subsection (5) below.
- (2) A justice of the peace for an area to which this section applies may issue a summons or warrant under this section—
- (a) if the offence was committed or is suspected to have been committed within the area, or
  - (b) if it appears to the justice necessary or expedient, with a view to the better administration of justice, that the person charged should be tried jointly with, or in the same place as, some other person who is charged with an offence, and who is in custody, or is being or is to be proceeded against, within the area, or
  - (c) if the person charged resides or is, or is believed to reside or be, within the area, or
  - (d) if under any enactment a magistrates' court for the area has jurisdiction to try the offence, or
  - (e) if the offence was committed outside England and Wales and, where it is an offence exclusively punishable on summary conviction, if a magistrates court

*Status: Point in time view as at 01/01/1996. This version of this provision has been superseded.*

*Changes to legislation: Magistrates' Courts Act 1980, Section 1 is up to date with all changes known to be in force on or before 15 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)*

for the area would have jurisdiction to try the offence if the offender were before it.

- (3) No warrant shall be issued under this section unless the information is in writing and substantiated on oath.
- (4) No warrant shall be issued under this section for the arrest of any person who has attained [<sup>F1</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.
- (5) Where the offence charged is not an indictable offence—
  - (a) no summons shall be issued by virtue only of paragraph (c) of subsection (2) above, and
  - (b) any warrant issued by virtue only of that paragraph shall require the person charged to be brought before a magistrates' court having jurisdiction to try the offence.
- (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) The areas to which this section applies are any county, any London commission area and the City of London.

#### Textual Amendments

- F1** 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**

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

- C1** S. 1(2) modified by Road Traffic Act 1974 (c. 50, SIF 107:1), **s. 5(8)** (as inserted by Transport Act 1982 (c. 49, SIF 107:1), s. 74(1), **Sch. 5 para. 18(8)**)
- C2** S. 1(2) modified by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), ss. 111(8), 143, 144, 145(5), **Sch. 12 para. 10(3)**

**Status:**

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**Changes to legislation:**

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