



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART V

APPEAL AND CASE STATED

Case stated

111 Statement of case by magistrates' court.

- (1) Any person who was a party to any proceeding before a magistrates' court or is aggrieved by the conviction, order, determination or other proceeding of the court may question the proceeding on the ground that it is wrong in law or is in excess of jurisdiction by applying to the justices composing the court to state a case for the opinion of the High Court on the question of law or jurisdiction involved; but a person shall not make an application under this section in respect of a decision against which he has a right of appeal to the High Court or which by virtue of any enactment passed after 31st December 1879 is final.
- (2) An application under subsection (1) above shall be made within 21 days after the day on which the decision of the magistrates' court was given.
- (3) For the purpose of subsection (2) above, the day on which the decision of the magistrates' court is given shall, where the court has adjourned the trial of an information after conviction, be the day on which the court sentences or otherwise deals with the offender.
- (4) On the making of an application under this section in respect of a decision any right of the applicant to appeal against the decision to the Crown Court shall cease.
- (5) If the justices are of opinion that an application under this section is frivolous, they may refuse to state a case, and, if the applicant so requires, shall give him a certificate stating that the application has been refused; but the justices shall not refuse to state a case if the application is made by or under the direction of the Attorney General.

Status: Point in time view as at 06/04/2007. This version of this provision has been superseded.

Changes to legislation: Magistrates' Courts Act 1980, Section 111 is up to date with all changes known to be in force on or before 30 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)

- (6) Where justices refuse to state a case, the High Court may, on the application of the person who applied for the case to be stated, make an order of mandamus requiring the justices to state a case.

Modifications etc. (not altering text)

- C1** S. 111 applied (1.7.1999) by [S.I. 1999/1517, reg. 12\(3\)](#), [Sch. 4 para. 9\(4\)](#)
C2 S. 111 referred to (11.3.2005) by [Prevention of Terrorism Act 2005 \(c. 2\)](#), [s. 12\(7\)\(b\)](#)

Status:

Point in time view as at 06/04/2007. This version of this provision has been superseded.

Changes to legislation:

Magistrates' Courts Act 1980, Section 111 is up to date with all changes known to be in force on or before 30 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.