



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 [^{F1}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) ^{F2}.....
- [^{F3}(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 ^{F4}... , shall not impose imprisonment for a period exceeding 14 days or order a person to pay more than £1.
- (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

Status: Point in time view as at 06/04/2010. This version of this provision has been superseded.

Changes to legislation: Magistrates' Courts Act 1980, Section 121 is up to date with all changes known to be in force on or before 09 July 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)

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.
- (8) This section shall have effect subject to the provisions of this Act relating to [^{F5}family proceedings].

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** Words in 121(8) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), ss. 92, 108(6), **Sch. 11 Pt. II para. 8(c)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**

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(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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