



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART I

#### CRIMINAL JURISDICTION AND PROCEDURE

#### *Offences triable on indictment or summarily*

#### **<sup>F1</sup>17B Intention as to plea: absence of accused.**

- (1) This section shall have effect where—
  - (a) a person who has attained the age of 18 years appears or is brought before a magistrates' court on an information charging him with an offence triable either way,
  - (b) the accused is represented by a legal representative,
  - (c) the court considers that by reason of the accused's disorderly conduct before the court it is not practicable for proceedings under section 17A above to be conducted in his presence, and
  - (d) the court considers that it should proceed in the absence of the accused.
- (2) In such a case—
  - (a) the court shall cause the charge to be written down, if this has not already been done, and to be read to the representative;
  - (b) the court shall ask the representative whether (if the offence were to proceed to trial) the accused would plead guilty or not guilty;
  - (c) if the representative indicates that the accused would plead guilty the court shall proceed as if the proceedings constituted from the beginning the summary trial of the information, and as if section 9(1) above was complied with and the accused pleaded guilty under it;
  - (d) if the representative indicates that the accused would plead not guilty section 18(1) below shall apply.

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*Status: Point in time view as at 02/07/2002.*

*Changes to legislation: Magistrates' Courts Act 1980, Section 17B is up to date with all changes known to be in force on or before 17 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)*

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- (3) If the representative in fact fails to indicate how the accused would plead, for the purposes of this section and section 18(1) below he shall be taken to indicate that the accused would plead not guilty.
- (4) Subject to subsection (2)(c) above, the following shall not for any purpose be taken to constitute the taking of a plea—
- (a) asking the representative under this section whether (if the offence were to proceed to trial) the accused would plead guilty or not guilty;
  - (b) an indication by the representative under this section of how the accused would plead.

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#### **Textual Amendments**

- F1** [Ss. 17A-17C](#) inserted (4.7.1996 with application where a person appears or is brought before a magistrates' court on or after 1.10.1997) by [1996 c. 25, s. 49\(2\)\(6\)](#) (with [s. 78\(1\)](#)); [S.I. 1997/2199, art.2](#)

**Status:**

Point in time view as at 02/07/2002.

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