



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART I

CRIMINAL JURISDICTION AND PROCEDURE

Offences triable on indictment or summarily

^{F1}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.

Changes to legislation: Magistrates' Courts Act 1980, Section 17B is up to date with all changes known to be in force on or before 28 May 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) View outstanding changes

- (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.

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

Changes to legislation:

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View outstanding changes

Changes and effects yet to be applied to :

- s. 17B(2) words substituted by 2022 c. 35 s. 9(2)(c)
- s. 17B(2)(d) words substituted by 2022 c. 35 Sch. 2 para. 6(3)(a)
- s. 17B(3) words substituted by 2022 c. 35 Sch. 2 para. 6(3)(b)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by 2017 anaw 2 Sch. 3 para. 18(5)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(6A) inserted by 2003 c. 44 Sch. 36 para. 8(5)
- s. 1(6A) words substituted by 2015 c. 2 Sch. 11 para. 3(4) (Effect not applied as (6A) was only inserted prospectively.)
- s. 1(7A) inserted by 2003 c. 44 Sch. 36 para. 8(6)
- s. 12(2A) inserted by 2022 c. 35 s. 4(3)
- s. 12(5A)-(5F) inserted by 2022 c. 35 s. 4(6)
- s. 17A(1A) inserted by 2022 c. 35 Sch. 2 para. 6(2)(b)
- s. 17B(1A)-(1F) substituted for s. 17B(1) by 2022 c. 35 s. 9(2)(b)
- s. 17B(5) inserted by 2022 c. 35 s. 9(2)(d)
- s. 17BA inserted by 2022 c. 35 s. 7
- s. 17ZA-17ZC inserted by 2022 c. 35 s. 6(2)
- s. 18(1)-(1B) substituted for s. 18(1) by 2022 c. 35 Sch. 2 para. 6(7)(a)
- s. 18(4A)(4B) inserted by 2022 c. 35 Sch. 2 para. 6(7)(b)
- s. 18(6) inserted by 2022 c. 35 Sch. 2 para. 6(7)(c)
- s. 20(7A)(7B) inserted by 2022 c. 35 Sch. 2 para. 6(8)(c)
- s. 22(2A)-(2E) inserted by 2022 c. 35 Sch. 2 para. 6(9)(a)
- s. 22A(1A)-(1E) inserted by 2022 c. 35 s. 6(3)(b)
- s. 23(1A)-(1G) substituted for s. 23(1) by 2022 c. 35 s. 9(4)(b)
- s. 23(4A)(4B) inserted by 2022 c. 35 s. 9(4)(d)
- s. 24A(1A) inserted by 2022 c. 35 Sch. 2 para. 6(11)(b)
- s. 24BA inserted by 2022 c. 35 s. 9(5)
- s. 24ZA24ZB inserted by 2022 c. 35 s. 8
- s. 75A inserted by 2013 c. 22 s. 26(1)
- s. 85(5) inserted by 2013 c. 22 s. 26(4)
- s. 139A inserted by 2013 c. 22 s. 26(6)
- s. 145(1A) inserted by 2010 c. 26 Sch. 3 para. 8(3) (This amendment not applied to legislation.gov.uk. Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by 2013 c. 22, s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 145(1A) repealed by 2010 c. 26 Sch. 4 Pt. 2 (This amendment not applied to legislation.gov.uk. Sch. 4 Pt. 2 repealed (4.9.2013) without ever being in force by 2013 c. 22, s. 17(4) ; S.I. 2013/2200 art. 2(a))
- Sch. 6A (entry) by 2000 c. 43 Sch. 7 para. 69