



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART I

#### CRIMINAL JURISDICTION AND PROCEDURE

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

#### **18 Initial procedure on information against adult for offence triable either way.**

- (1) Sections 19 to 23 below shall have effect where a person who has attained [<sup>F1</sup>the age of 18 years] appears or is brought before a magistrates' court on an information charging him with an offence triable either way.
- (2) Without prejudice to section 11(1) above, everything that the court is required to do under sections 19 to 22 below must be done before any evidence is called and, subject to subsection (3) below and section 23 below, with the accused present in court.
- (3) The court may proceed in the absence of the accused in accordance with such of the provisions of sections 19 to 22 below as are applicable in the circumstances if the court considers that by reason of his disorderly conduct before the court it is not practicable for the proceedings to be conducted in his presence; and the subsections (3) to (5) of section 23 below, so far as applicable, shall have effect in relation to proceedings conducted in the absence of the accused by virtue of this subsection (references in those subsections to the person representing the accused being for this purpose read as references to the person, if any, representing him).
- (4) A magistrates' court proceeding under sections 19 to 23 below may adjourn the proceedings at any time, and on doing so on any occasion when the accused is present may remand the accused, and shall remand him if—
  - (a) on the occasion on which he first appeared, or was brought, before the court to answer to the information he was in custody or, having been released on bail, surrendered to the custody of the court; or
  - (b) he has been remanded at any time in the course of proceedings on the information;

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*Status: Point in time view as at 01/10/1992. This version of this provision has been superseded.*

*Changes to legislation: Magistrates' Courts Act 1980, Section 18 is up to date with all changes known to be in force on or before 30 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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and where the court remands the accused, the time fixed for the resumption of the proceedings shall be that at which he is required to appear or be brought before the court in pursuance of the remand [<sup>F2</sup>or would be required to be brought before the court but for section 128(3A) below].

- (5) The functions of a magistrates' court under sections 19 to 23 below may be discharged by a single justice, but the foregoing provision shall not be taken to authorise the summary trial of an information by a magistrates' court composed of less than two justices.

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#### Textual Amendments

- F1** Words in s. 18(1) 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**
- F2** Words added by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 59(1), **Sch. 9 para. 1(c)**

**Status:**

Point in time view as at 01/10/1992. This version of this provision has been superseded.

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