



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART I

CRIMINAL JURISDICTION AND PROCEDURE

Offences triable on indictment or summarily

VALID FROM 18/06/2012

[^{F1}20A Procedure where summary trial appears more suitable: supplementary

- (1) Where the case is dealt with in accordance with section 20(7) above, no court (whether a magistrates' court or not) may impose a custodial sentence for the offence unless such a sentence was indicated in the indication of sentence referred to in section 20 above.
- (2) Subsection (1) above is subject to sections 3A(4), 4(8) and 5(3) of the Powers of Criminal Courts (Sentencing) Act 2000.
- (3) Except as provided in subsection (1) above—
 - (a) an indication of sentence shall not be binding on any court (whether a magistrates' court or not); and
 - (b) no sentence may be challenged or be the subject of appeal in any court on the ground that it is not consistent with an indication of sentence.
- (4) Subject to section 20(7) above, the following shall not for any purpose be taken to constitute the taking of a plea—
 - (a) asking the accused under section 20 above whether (if the offence were to proceed to trial) he would plead guilty or not guilty; or
 - (b) an indication by the accused under that section of how he would plead.
- (5) Where the court gives an indication of sentence under section 20 above, it shall cause each such indication to be entered in the register.

Status: Point in time view as at 25/08/2000. This version of this provision is not valid for this point in time.

Changes to legislation: Magistrates' Courts Act 1980, Section 20A is up to date with all changes known to be in force on or before 17 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) In this section and in section 20 above, references to a custodial sentence are to a custodial sentence within the meaning of section 76 of the Powers of Criminal Courts (Sentencing) Act 2000, and references to a non-custodial sentence shall be construed accordingly.]

Textual Amendments

F1 Ss. 20, 20A substituted (prosp.) for s. 20 by Criminal Justice Act 2003 (c. 44), ss. 41, 336, Sch. 3 para. 6

Modifications etc. (not altering text)

C1 S. 20A(1) excluded (prosp.) by 2000 c. 6, s. 5(3) (as substituted by Criminal Justice Act 2003 (c. 44), ss. 41, 336, Sch. 3 Pt. 1 para. 26)

Status:

Point in time view as at 25/08/2000. This version of this provision is not valid for this point in time.

Changes to legislation:

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