



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART I

CRIMINAL JURISDICTION AND PROCEDURE

Powers in respect of offenders

32 Penalties on summary conviction for offences triable either way.

- (1) On summary conviction of any of the offences triable either way listed in Schedule 1 to this Act a person shall be liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding the prescribed sum or both, except that—
 - (a) a magistrates' court shall not have power to impose imprisonment for an offence so listed if the Crown Court would not have that power in the case of an adult convicted of it on indictment;
 - (b) ^{F1}
 - (c) ^{F2}
- (2) For any offence triable either way which is not listed in Schedule 1 to this Act, being an offence under a relevant enactment, the maximum fine which may be imposed on summary conviction shall by virtue of this subsection be the prescribed sum unless the offence is one for which by virtue of an enactment other than this subsection a larger fine may be imposed on summary conviction.
- (3) Where, by virtue of any relevant enactment, a person summarily convicted of an offence triable either way would, apart from this section, be liable to a maximum fine of one amount in the case of a first conviction and of a different amount in the case of a second or subsequent conviction, subsection (2) above shall apply irrespective of whether the conviction is a first, second or subsequent one.
- (4) Subsection (2) above shall not affect so much of any enactment as (in whatever words) makes a person liable on summary conviction to a fine not exceeding a specified amount for each day on which a continuing offence is continued after conviction or the occurrence of any other specified event.

Status: Point in time view as at 03/10/2011. This version of this provision has been superseded.

Changes to legislation: Magistrates' Courts Act 1980, Section 32 is up to date with all changes known to be in force on or before 26 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)

(5) Subsection (2) above shall not apply on summary conviction of any of the following offences:—

- (a) offences under section 5(2) of the ^{M1}Misuse of Drugs Act 1971 (having possession of a controlled drug) where the controlled drug in relation to which the offence was committed was a Class B or Class C drug;
- (b) offences under the following provisions of that Act, where the controlled drug in relation to which the offence was committed was a Class C drug, namely—
 - (i) section 4(2) (production, or being concerned in the production, of a controlled drug);
 - (ii) section 4(3) (supplying or offering a controlled drug or being concerned in the doing of either activity by another);
 - (iii) section 5(3) (having possession of a controlled drug with intent to supply it to another);
 - (iv) section 8 (being the occupier, or concerned in the management, of premises and permitting or suffering certain activities to take place there);
 - (v) section 12(6) (contravention of direction prohibiting practitioner etc. from possessing, supplying etc. controlled drugs); or
 - (vi) section 13(3) (contravention of direction prohibiting practitioner etc. from prescribing, supplying etc. controlled drugs).

(6) Where, as regards any offence triable either way, there is under any enactment (however framed or worded) a power by subordinate instrument to restrict the amount of the fine which on summary conviction can be imposed in respect of that offence—

- (a) subsection (2) above shall not affect that power or override any restriction imposed in the exercise of that power; and
- (b) the amount to which that fine may be restricted in the exercise of that power shall be any amount less than the maximum fine which could be imposed on summary conviction in respect of the offence apart from any restriction so imposed.

(7) ^{F3}

(8) In subsection (5) above “controlled drug”, “Class B drug” and “Class C drug” have the same meaning as in the ^{M2}Misuse of Drugs Act 1971.

(9) In this section—

“fine” includes a pecuniary penalty but does not include a pecuniary forfeiture or pecuniary compensation;

“the prescribed sum” means [^{F4}£5,000] or such sum as is for the time being substituted in this definition by an order in force under section 143(1) below;

“relevant enactment” means an enactment contained in the ^{M3}Criminal Law Act 1977 or in any Act passed before, or in the same Session as, that Act.

Textual Amendments

F1 S. 32(1)(b) repealed (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 63(2), 92, 94, Sch. 6 para. 55(2), **Sch. 14** (with Sch. 13 para. 5); S.I. 2008/2504, **art. 2(a)(i)(ii)(g)**

F2 S. 32(1)(c) repealed by Criminal Attempts Act 1981 (c. 47, SIF 39:1), s. 10, **Sch. Pt. I**

F3 S. 32(7) repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 123(6), 170(2), Sch. 8 para. 16, **Sch. 16**

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- F4** Word in s. 32(9) substituted (*l.10.1992*) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 17(2)(c), 101(1), **Sch. 12 para. 6** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**

Modifications etc. (not altering text)

- C1** S. 32 amended by S.I. 1984/703 (N.I. 3), **art. 4(7)**
- C2** S. 32 extended with modifications (Isle of Man) (1.12.1992) by S.I. 1992/2670, **art. 2(b)**
- C3** S. 32 extended with modifications (Guernsey) (1.2.1993) by S.I. 1992/3202, art. 2(b), **Sch. para. 2**
- C4** S. 32 extended (N.I.) by Finance Act 1983 (c. 28, SIF 40:2), s. 47, **Sch. 9 para. 1(1)(2)**, Copyright (Amendment) Act 1983 (c. 42, SIF 32), **s. 1**, Car Tax Act 1983 (c. 53, SIF 40:2), s. 1(4), Sch. 1 para. 8(6)(a), Value Added Tax Act 1983 (c. 55, SIF 40:2), **s. 48(2)(a)**
- S. 32 extended (N.I.) by Telecommunications Act 1984 (c.12, SIF 96), **s. 106(2)(a)**
- C5** S. 32(9) extended (N.I.) by Wireless Telegraphy Act 1949 (c. 54, SIF 96), **s. 14(9)** (as added by Telecommunications Act 1984 (c. 12, SIF 96), s. 75(2), **Sch. 3 para. 2**)

Marginal Citations

- M1** 1971 c. 38.
- M2** 1971 c. 38.
- M3** 1977 c. 45.

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