



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART II

#### CIVIL JURISDICTION AND PROCEDURE

##### *Hearing of complaint*

#### **55 Non-appearance of defendant.**

- (1) Where at the time and place appointed for the hearing or adjourned hearing of a complaint the complainant appears but the defendant does not, the court may, subject to subsection (3) below, proceed in his absence.
- (2) Where the court, instead of proceeding in the absence of the defendant, adjourns, or further adjourns, the hearing, the court may, if the complaint has been substantiated on oath, and subject to the following provisions of this section, issue a warrant for his arrest.
- (3) The court shall not begin to hear the complaint in the absence of the defendant or issue a warrant under this section unless either it is proved to the satisfaction of the court, on oath or in such other manner as may be prescribed, that the summons was served on him within what appears to the court to be a reasonable time before the hearing or adjourned hearing or the defendant has appeared on a previous occasion to answer to the complaint.
- (4) Where the defendant fails to appear at an adjourned hearing, the court shall not issue a warrant under this section unless it is satisfied that he has had adequate notice of the time and place of the adjourned hearing.
- (5) Where the defendant is arrested under a warrant issued under this section, the court may, on any subsequent adjournment of the hearing, but subject to the provisions of subsection (6) below, remand him.

**Changes to legislation:** Magistrates' Courts Act 1980, Section 55 is up to date with all changes known to be in force on or before 22 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

- (6) The court shall not issue a warrant or remand a defendant under this section or further remand him by virtue of section 128(3) below after he has given evidence in the proceedings.
- (7) Where the court remands the defendant, the time fixed for the resumption of the hearing shall be that at which he is required to appear or be brought before the court in pursuance of the remand.
- (8) A warrant under this section shall not be issued in any proceedings for the recovery or enforcement of a sum recoverable summarily as a civil debt or in proceedings in any matter of bastardy.

<sup>F1</sup>(9) .....

#### Textual Amendments

- F1** S. 55(9) repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 99](#) Table; [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

#### Modifications etc. (not altering text)

- C1** S. 55 applied (with modifications) (1.4.1997) by [S.I. 1997/704](#), [rule 5\(2\)\(3\)\(4\)\(d\)\(5\)](#)
- C2** S. 55 applied (with modifications) by [S.I. 2010/60](#), rule 62.16 (as substituted (4.4.2011) by [The Criminal Procedure \(Amendment No. 2\) Rules 2010 \(S.I. 2010/3026\)](#), rules 1, 9, [Sch. 2](#))
- C3** S. 55 modified (3.10.2011) by [The Criminal Procedure Rules 2011 \(S.I. 2011/1709\)](#), [rule 62.16\(3\)\(c\)](#)
- C4** S. 55 modified (1.10.2012) by [The Criminal Procedure Rules 2012 \(S.I. 2012/1726\)](#), [rule 62.16\(2\)\(3\)\(c\)](#)
- C5** S. 55 modified (7.10.2013) by [The Criminal Procedure Rules 2013 \(S.I. 2013/1554\)](#), [rule 62.16\(2\)\(3\)\(c\)](#) (with [rule 2.1](#))
- C6** S. 55 excluded by [S.I. 2012/2814](#), Sch. 2 para. 3(2B) (as inserted (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court: Consequential Provision\) \(No.2\) Order 2014 \(S.I. 2014/879\)](#), arts. 1(1), [143\(b\)](#))
- C7** S. 55 modified (6.10.2014) by [The Criminal Procedure Rules 2014 \(S.I. 2014/1610\)](#), [rule 62.16\(2\)\(3\)\(c\)](#) (with [rule 2.1](#))
- C8** S. 55 modified (5.10.2015) by [The Criminal Procedure Rules 2015 \(S.I. 2015/1490\)](#), [rule 48.16\(2\)\(3\)](#)
- C9** S. 55 modified (5.10.2020) by [The Criminal Procedure Rules 2020 \(S.I. 2020/759\)](#), [rule 48.16\(2\)\(3\)](#)
- C10** S. 55(2) restricted by [S.I. 1989/438](#), [art. 29\(4\)](#)
- C11** S. 55(2) excluded (3.11.1994) by [1994 c. 33](#), s. [78\(6\)](#)
- C12** S. 55(2) excluded (6.4.2010) by [The Community Infrastructure Levy Regulations 2010 \(S.I. 2010/948\)](#), regs. 1, [97\(4\)](#)
- C13** S. 55(3)(4) applied (with modifications) (25.8.2000) by [2000 c. 6](#), ss. 65, 168(1), [Sch. 7 para. 7\(3\)](#)  
S. 55(3)(4) applied (with modifications) (25.8.2000) by [2000 c. 6](#), ss. 72, 75, 168(1), [Sch. 8 para. 6\(3\)](#)

**Changes to legislation:**

Magistrates' Courts Act 1980, Section 55 is up to date with all changes known to be in force on or before 22 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.

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**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](#)