



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART I

CRIMINAL JURISDICTION AND PROCEDURE

[^{F1}Committal proceedings]

6 Discharge or committal for trial.

^{F1}^{F2}[(1) A magistrates' court inquiring into an offence as examining justices shall on consideration of the evidence—

- (a) commit the accused for trial if it is of opinion that there is sufficient evidence to put him on trial by jury for any indictable offence;
- (b) discharge him if it is not of that opinion and he is in custody for no other cause than the offence under inquiry;

but the preceding provisions of this subsection have effect subject to the provisions of this and any other Act relating to the summary trial of indictable offences.

(2) If a magistrates' court inquiring into an offence as examining justices is satisfied that all the evidence tendered by or on behalf of the prosecutor falls within section 5A(3) above, it may commit the accused for trial for the offence without consideration of the contents of any statements, depositions or other documents, and without consideration of any exhibits which are not documents, unless—

- (a) the accused or one of the accused has no legal representative acting for him in the case, or
- (b) a legal representative for the accused or one of the accused, as the case may be, has requested the court to consider a submission that there is insufficient evidence to put that accused on trial by jury for the offence;

and subsection (1) above shall not apply to a committal for trial under this subsection.]

(3) Subject to section 4 of the ^{M1}Bail Act 1976 and section 41 below, the court may commit a person for trial—

Status: Point in time view as at 19/01/2015.

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- (a) in custody, that is to say, by committing him to custody there to be safely kept until delivered in due course of law, or
- (b) on bail in accordance with the ^{M2}Bail Act 1976, that is to say, by directing him to appear before the Crown Court for trial;

and where his release on bail is conditional on his providing one or more surety or sureties and, in accordance with section 8(3) of the ^{M3}Bail Act 1976, the court fixes the amount in which the surety is to be bound with a view to his entering into his recognizance subsequently in accordance with subsections (4) and (5) or (6) of that section the court shall in the meantime commit the accused to custody in accordance with paragraph (a) of this subsection.

- (4) Where the court has committed a person to custody in accordance with paragraph (a) of subsection (3) above, then, if that person is in custody for no other cause, the court may, at any time before his first appearance before the Crown Court, grant him bail in accordance with the ^{M4}Bail Act 1976 subject to a duty to appear before the Crown Court for trial.
- (5) Where a magistrates' court acting as examining justices commits any person for trial or determines to discharge him, the [^{F3}designated officer for] the court shall, on the day on which the committal proceedings are concluded or the next day, cause to be displayed in a part of the court house to which the public have access a notice—
 - (a) in either case giving that person's name, address, and age (if known);
 - (b) in a case where the court so commits him, stating the charge or charges on which he is committed and the court to which he is committed;
 - (c) in a case where the court determines to discharge him, describing the offence charged and stating that it has so determined;
 but this subsection shall have effect subject to [^{F4}section 4 of the Sexual Offences (Amendment) Act 1976 (anonymity of complainant in rape etc. cases)].
- (6) A notice displayed in pursuance of subsection (5) above shall not contain the name or address of any person under [^{F5}the age of 18 years] unless the justices in question have stated that in their opinion he would be mentioned in the notice apart from the preceding provisions of this subsection and should be mentioned in it for the purpose of avoiding injustice to him.]

Textual Amendments

- F1** S. 6(1)(2) substituted (with effect as mentioned in Sch. 1 Pt. III para. 39 of the substituting Act) by 1996 c. 25, s. 47, **Sch. 1 Pt. I para. 4** (with s. 78(1)); S.I. 1997/683, **art. 1(2)**
- F2** Ss. 4-8 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by **Criminal Justice Act 2003 (c. 44)**, s. 336(3)(4), **Sch. 3 para. 51(3)**, **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F3** Words in s. 6(5) substituted (1.4.2005) by **Courts Act 2003 (c. 39)**, ss. 109(1), 110, **Sch. 8 para. 202**; S.I. 2005/910, **art. 3(y)**
- F4** Words substituted by **Criminal Justice Act 1988 (c. 33, SIF 39:1)**, ss. 123(6), 170(1), **Sch. 8 para. 16, Sch. 15 para. 66**
- F5** Words in s. 6(6) 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**

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Modifications etc. (not altering text)

- C1** S. 6 modified (10.4.1995) by 1994 c. 33, **ss. 34(2)(a)(4)-(7)**, 36(2)(a)(3)-(8), 37(2)(a)(3)-(7), 38; S.I. 1995/721, art. 2, **Sch.**
- C2** S. 6 modified (temp.) (prosp.) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 59, 60, **Sch. 12 para. 3**

Marginal Citations

- M1** 1976 c. 63.
M2 1976 c. 63.
M3 1976 c. 63.
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