



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART I

#### CRIMINAL JURISDICTION AND PROCEDURE

#### *[<sup>F1</sup>Pre-trial hearings*

VALID FROM 01/04/2005

#### **[<sup>F1</sup>8A Power to make rulings at pre-trial hearing**

- (1) For the purposes of this section a hearing is a pre-trial hearing if—
  - (a) it relates to an information—
    - (i) which is to be tried summarily, and
    - (ii) to which the accused has pleaded not guilty, and
  - (b) it takes place before the start of the trial.
- (2) For the purposes of subsection (1)(b), the start of a summary trial occurs when the court begins—
  - (a) to hear evidence from the prosecution at the trial, or
  - (b) to consider whether to exercise its power under section 37(3) of the Mental Health Act 1983 (power to make hospital order without convicting the accused).
- (3) At a pre-trial hearing, a magistrates' court may make a ruling as to any matter mentioned in subsection (4) if—
  - (a) the condition in subsection (5) is met,
  - (b) the court has given the parties an opportunity to be heard, and
  - (c) it appears to the court that it is in the interests of justice to make the ruling.
- (4) The matters are—
  - (a) any question as to the admissibility of evidence;

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*Status: Point in time view as at 02/04/2001. This version of this provision is not valid for this point in time.*

*Changes to legislation: Magistrates' Courts Act 1980, Section 8A is up to date with all changes known to be in force on or before 23 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)*

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- (b) any other question of law relating to the case.
- (5) The condition is that, if the accused is not legally represented, the court must—
- (a) ask whether he wishes to be granted a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service, and
  - (b) if he does, decide whether or not to grant him that right.
- (6) A ruling may be made under this section—
- (a) on an application by a party to the case, or
  - (b) of the court's own motion.
- (7) For the purposes of this section and section 8B, references to the prosecutor are to any person acting as prosecutor, whether an individual or body.]

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**Textual Amendments**

- F1** Ss. 8A-8D and cross-heading inserted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 45, 110, [Sch. 3](#); S.I. 2005/910, [art. 3\(p\)](#)

**Status:**

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**Changes to legislation:**

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