



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART VII

MISCELLANEOUS AND SUPPLEMENTARY

Constitution and place of sitting of magistrates' courts

121 Constitution and place of sitting of court

- (1) A magistrates' court shall not try an information summarily or hear a complaint except when composed of at least 2 justices unless the trial or hearing is one that by virtue of any enactment may take place before a single justice.
- (2) A magistrates' court shall not hold an inquiry into the means of an offender for the purposes of section 82 above except when composed of at least 2 justices.
- (3) A magistrates' court shall not—
 - (a) try summarily an information for an indictable offence or hear a complaint except when sitting in a petty-sessional court-house;
 - (b) try an information for a summary offence or hold an inquiry into the means of an offender for the purposes of section 82 above, or impose imprisonment, except when sitting in a petty-sessional court-house or an occasional court-house.
- (4) Subject to the provisions of any enactment to the contrary, where a magistrates' court is required by this section to sit in a petty-sessional or occasional court-house, it shall sit in open court.
- (5) A magistrates' court composed of a single justice, or sitting in an occasional court-house, shall not impose imprisonment for a period exceeding 14 days or order a person to pay more than £1.
- (6) Subject to the provisions of subsection (7) below, the justices composing the court before which any proceedings take place shall be present during the whole of the proceedings ; but, if during the course of the proceedings any justice absents himself,

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he shall cease to act further therein and, if the remaining justices are enough to satisfy the requirements of the preceding provisions of this section, the proceedings may continue before a court composed of those justices.

- (7) Where the trial of an information is adjourned after the accused has been convicted and before he is sentenced or otherwise dealt with, the court which sentences or deals with him need not be composed of the same justices as that which convicted him; but, where among the justices composing the court which sentences or deals with an offender there are any who were not sitting when he was convicted, the court which sentences or deals with the offender shall before doing so make such inquiry into the facts and circumstances of the case as will enable the justices who were not sitting when the offender was convicted to be fully acquainted with those facts and circumstances.
- (8) This section shall have effect subject to the provisions of this Act relating to domestic proceedings.

Appearance by counsel or solicitor

122 Appearance by counsel or solicitor

- (1) A party to any proceedings before a magistrates' court may be represented by counsel or solicitor.
- (2) Subject to subsection (3) below, an absent party so represented shall be deemed not to be absent.
- (3) Appearance of a party by counsel or solicitor shall not satisfy any provision of any enactment or any condition of a recognizance expressly requiring his presence.

Process

123 Defect in process

- (1) No objection shall be allowed to any information or complaint, or to any summons or warrant to procure the presence of the defendant, for any defect in it in substance or in form, or for any variance between it and the evidence adduced on behalf of the prosecutor or complainant at the hearing of the information or complaint.
- (2) If it appears to a magistrates' court that any variance between a summons or warrant and the evidence adduced on behalf of the prosecutor or complainant is such that the defendant has been misled by the variance, the court shall, on the application of the defendant, adjourn the hearing.

124 Process valid notwithstanding death, etc., of justice

A warrant or summons issued by a justice of the peace shall not cease to have effect by reason of his death or his ceasing to be a justice.

125 Warrants

- (1) A warrant of arrest issued by a justice of the peace shall remain in force until it is executed or withdrawn.

- (2) A warrant of arrest, warrant of commitment, warrant of distress or search warrant issued by a justice of the peace may be executed anywhere in England and Wales by any person to whom it is directed or by any constable acting within his police area.

This subsection does not apply to a warrant of commitment or a warrant of distress issued under Part VI of the General Rate Act 1967.

- (3) A warrant to arrest a person charged with an offence may be executed by a constable notwithstanding that it is not in his possession at the time; but the warrant shall, on the demand of the person arrested, be shown to him as soon as practicable.

126 Execution of certain warrants outside England and Wales

Sections 12 to 14 of the Indictable Offences Act 1848 (which relate, among other things, to the execution in Scotland, Northern Ireland, the Isle of Man and the Channel Islands of warrants of arrest for the offences referred to in those sections) shall, so far as applicable, apply to—

- (a) warrants of arrest issued under section 1 above for offences other than those referred to in the said sections 12 to 14;
- (b) warrants of arrest issued under section 13 above;
- (c) warrants of arrest issued under section 97 above other than warrants issued in bastardy proceedings to arrest a witness; and
- (d) warrants of commitment issued under this Act.

Limitation of time

127 Limitation of time

- (1) Except as otherwise expressly provided by any enactment and subject to subsection (2) below, a magistrates' court shall not try an information or hear a complaint unless the information was laid, or the complaint made, within 6 months from the time when the offence was committed, or the matter of complaint arose.

- (2) Nothing in—

- (a) subsection (1) above ; or
- (b) subject to subsection (4) below, any other enactment (however framed or worded) which, as regards any offence to which it applies, would but for this section impose a time-limit on the power of a magistrates' court to try an information summarily or impose a limitation on the time for taking summary proceedings,

shall apply in relation to any indictable offence.

- (3) Without prejudice to the generality of paragraph (b) of subsection (2) above, that paragraph includes enactments which impose a time-limit that applies only in certain circumstances (for example, where the proceedings are not instituted by or with the consent of the Director of Public Prosecutions or some other specified authority).
- (4) Where, as regards any indictable offence, there is imposed by any enactment (however framed or worded, and whether falling within subsection (2) (b) above or not) a limitation on the time for taking proceedings on indictment for that offence no summary proceedings for that offence shall be taken after the latest time for taking proceedings on indictment.

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Remand

128 Remand in custody or on bail

- (1) Where a magistrates' court has power to remand any person, then, subject to section 4 of the Bail Act 1976 and to any other enactment modifying that power, the court may—
- (a) remand him in custody, that is to say, commit him to custody to be brought before the court at the end of the period of remand or at such earlier time as the court may require ; or
 - (b) where it is inquiring into or trying an offence alleged to have been committed by that person or has convicted him of an offence, remand him on bail in accordance with the Bail Act 1976, that is to say, by directing him to appear as provided in subsection (4) below; or
 - (c) except in a case falling within paragraph (b) above, remand him on bail by taking from him a recognizance (with or without sureties) conditioned as provided in that subsection;

and may, in a case falling within paragraph (c) above, instead of taking recognizance's in accordance with that paragraph, fix the amount of the recognizance's with a view to their being taken subsequently in accordance with section 119 above.

- (2) Where the court fixes the amount of a recognizance under subsection (1) above or section 8(3) of the Bail Act 1976 with a view to its being taken subsequently the court shall in the meantime commit the person so remanded to custody in accordance with paragraph (a) of the said subsection (1).
- (3) Where a person is brought before the court after remand, the court may further remand him.
- (4) Where a person is remanded on bail under subsection (1) above the court may, where it remands him on bail in accordance with the Bail Act 1976 direct him to appear or, in any other case, direct that his recognizance be conditioned for his appearance—
- (a) before that court at the end of the period of remand; or
 - (b) at every time and place to which during the course of the proceedings the hearing may be from time to time adjourned;
- and, where it remands him on bail conditionally on his providing a surety during an inquiry into an offence alleged to have been committed by him, may direct that the recognizance of the surety be conditioned to secure that the person so bailed appears—
- (c) at every time and place to which during the course of the proceedings the hearing may be from time to time adjourned and also before the Crown Court in the event of the person so bailed being committed for trial there.
- (5) Where a person is directed to appear or a recognizance is conditioned for a person's appearance in accordance with paragraph (b) or (c) of subsection (4) above, the fixing at any time of the time for him next to appear shall be deemed to be a remand; but nothing in this subsection or subsection (4) above shall deprive the court of power at any subsequent hearing to remand him afresh.
- (6) Subject to the provisions of section 129 below, magistrates' court shall not remand a person for a period exceeding 8 clear days, except that—
- (a) if the court remands him on bail, it may remand him for a longer period if he and the other party consent;

- (b) where the court adjourns a trial under section 10(3) or 30 above, the court may remand him for the period of the adjournment;
 - (c) where a person is charged with an offence triable either way, then, if it falls to the court to try the case summarily but the court is not at the time so constituted, and sitting in such a place, as will enable it to proceed with the trial, the court may remand him until the next occasion on which it will be practicable for the court to be so constituted, and to sit in such a place, as aforesaid, notwithstanding that the remand is for a period exceeding 8 clear days.
- (7) A magistrates' court having power to remand a person in custody may, if the remand is for a period not exceeding 3 clear days, commit him to the custody of a constable.

129 Further remand

- (1) If a magistrates' court is satisfied that any person who has been remanded is unable by reason of illness or accident to appear or be brought before the court at the expiration of the period for which he was remanded, the court may, in his absence, remand him for a further time; and section 128(6) above shall not apply.
- (2) Notwithstanding anything in section 128(1) above, the power of a court under subsection (1) above to remand a person on bail for a further time—
- (a) where he was granted bail in criminal proceedings, includes power to enlarge the recognizance of any surety for him to a later time ;
 - (b) where he was granted bail otherwise than in criminal proceedings, may be exercised by enlarging his recognizance and those of any sureties for him to a later time.
- (3) Where a person remanded on bail is bound to appear before a magistrates' court at any time and the court has no power to remand him under subsection (1) above, the court may in his absence—
- (a) where he was granted bail in criminal proceedings, appoint a later time as the time at which he is to appear and enlarge the recognizance's of any sureties for him to that time;
 - (b) where he was granted bail otherwise than in criminal proceedings, enlarge his recognizance and those of any sureties for him to a later time ;
- and the appointment of the time or the enlargement of his recognizance shall be deemed to be a further remand.
- (4) Where a magistrates' court commits a person for trial on bail and the recognizance of any surety for him has been conditioned in accordance with paragraph (a) of subsection (4) of section 128 above the court may, in the absence of the surety,
- enlarge his recognizance so that he is bound to secure that the person so committed for trial appears also before the Crown Court.

130 Transfer of remand hearings

- (1) A magistrates' court adjourning a case under section 5, 10(1) or 18(4) above, and remanding the accused in custody, may, if he has attained the age of 17, order that he be brought up for any subsequent remands before an alternate magistrates' court nearer to the prison where he is to be confined while on remand.

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- (2) The order shall require the accused to be brought before the alternate court at the end of the period of remand or at such earlier time as the alternate court may require.
- (3) While the order is in force, the alternate court shall, to the exclusion of the court which made the order, have all the powers in relation to further remand (whether in custody or on bail) and the grant of legal aid which that court would have had but for the order.
- (4) The alternate court may, on remanding the accused in custody, require him to be brought before the court which made the order at the end of the period of remand or at such earlier time as that court may require; and, if the alternate court does so, or the accused is released on bail, the order under subsection (1) above shall cease to be in force.
- (5) Schedule 5 to this Act shall have effect to supplement this section.

131 Remand of accused already in custody

- (1) When a magistrates' court remands an accused person in custody and he is already detained under a custodial sentence, the period for which he is remanded may be up to 28 clear days.
- (2) But the court shall inquire as to the expected date of his release from that detention; and if it appears that it will be before 28 clear days have expired, he shall not be remanded in custody for more than 8 clear days or (if longer) a period ending with that date.
- (3) So long as he is detained under a custodial sentence, an application for him to be further remanded in custody may be made and determined without his appearance in court, provided that he is represented by counsel or a solicitor who signifies the accused's consent to the application being heard in his absence.

Restrictions on imprisonment

132 Minimum term

A magistrates' court shall not impose imprisonment for less than 5 days.

133 Consecutive terms of imprisonment

- (1) A magistrates' court imposing imprisonment on any person may order that the term of imprisonment shall commence on the expiration of any other term of imprisonment imposed by that or any other court; but where a magistrates' court imposes two or more terms of imprisonment to run consecutively the aggregate of such terms shall not, subject to the provisions of this section, exceed 6 months.
- (2) If two or more of the terms imposed by the court are imposed in respect of an offence triable either way which was tried summarily otherwise than in pursuance of section 22(2) above, the aggregate of the terms so imposed and any other terms imposed by the court may exceed 6 months but shall not, subject to the following provisions of this section, exceed 12 months.
- (3) The limitations imposed by the preceding subsections shall not operate to reduce the aggregate of the terms that the court may impose in respect of any offences below the term which the court has power to impose in respect of any one of those offences.

- (4) Where a person has been sentenced by a magistrates' court to imprisonment and a fine for the same offence, a period of imprisonment imposed for non-payment of the fine, or for want of sufficient distress to satisfy the fine, shall not be subject to the limitations imposed by the preceding subsections.
- (5) For the purposes of this section a term of imprisonment shall be deemed to be imposed in respect of an offence if it is imposed as a sentence or in default of payment of a sum adjudged to be paid by the conviction or for want of sufficient distress to satisfy such a sum.

Detention for short periods

134 Detention in police cells, etc.

- (1) A magistrates' court having power to impose imprisonment on any person may instead of doing so order him to be detained for any period not exceeding 4 days in a place certified by the Secretary of State to be suitable for the purpose.
- (2) The Secretary of State may certify under this section any police cells, bridewell or similar place provided by him and, on the application of any other police authority, any such place provided by that authority.
- (3) A woman or girl shall not be detained in any such place except under the supervision of women.

Section 6(6) of the Interpretation Act 1978 (feminine includes masculine) does not apply for the purposes of this subsection.
- (4) The Secretary of State may make regulations for the inspection of places certified by him under this section, for the treatment of persons detained in them and generally for the purpose of carrying this section into effect.
- (5) Any expenses incurred in the maintenance of persons detained under this section shall be defrayed out of moneys provided by Parliament.
- (6) In this section " maintenance " has the same meaning in relation to a person detained under this section as it has under section 53 of the Prison Act 1952 in relation to a prisoner.
- (7) Subsection (2) above shall, in its application to the City of London, have effect as if for the references therein to the police authority there were substituted references to the Commissioner of Police for the City of London.

135 Detention of offender for one day in court-house or police station

- (1) A magistrates' court that has power to commit to prison a person convicted of an offence, or would have that power but for section 82 or 88 above, may order him to be detained within the precincts of the court-house or at any police station until such hour, not later than 8 o'clock in the evening of the day on which the order is made, as the court may direct, and, if it does so, shall not, where it has power to commit him to prison, exercise that power.
- (2) A court shall not make such an order under this section as will deprive the offender of a reasonable opportunity of returning to his abode on the day of the order.

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136 Committal to custody overnight at police station for non-payment of sum adjudged by conviction

- (1) A magistrates' court that has power to commit to prison a person in default of payment of a sum adjudged to be paid by a summary conviction, or would have that power but for section 82 or 88 above, may issue a warrant for his detention in a police station, and, if it does so, shall not, where it has power to commit him to prison, exercise that power.
- (2) A warrant under this section, unless the sum adjudged to be paid by the conviction is sooner paid.—
 - (a) shall authorise any police constable to arrest the defaulter and take him to a police station, and
 - (b) shall require the officer in charge of the station to detain him there until 8 o'clock in the morning of the day following that on which he is arrested, or, if he is arrested between midnight and 8 o'clock in the morning, until 8 o'clock in the morning of the day on which he is arrested.
- (3) Notwithstanding subsection (2)(b) above, the officer may release the defaulter at any time within 4 hours before 8 o'clock in the morning if the officer thinks it expedient to do so in order to enable him to go to his work or for any other reason appearing to the officer to be sufficient.

Fees, fines, forfeitures, etc.

137 Fees

- (1) Subject to the provisions of this section, the court fees set out in Part I of Schedule 6 to this Act, and no others, shall be chargeable by clerks of magistrates' courts; and any enactment providing for the payment of any fees for the payment of which provision is made in the said Part I shall have effect accordingly.
- (2) No fee shall be chargeable by a clerk of a magistrates' court in respect of any matter specified in Part II of the said Schedule.
- (3) Nothing in this section shall affect the fees chargeable in respect of the matters specified in Part III of the said Schedule.
- (4) The Secretary of State may from time to time by order make such variations in Part I of the said Schedule as may seem to him proper.
- (5) The power to make an order under subsection (4) above shall be exercisable by statutory instrument; and a draft of any such statutory instrument shall be laid before Parliament
- (6) This section shall apply to magistrates' courts held by metropolitan stipendiary magistrates as it applies to other magistrates' courts.

138 Remission of fees

A magistrates' court may on the ground of poverty or for other reasonable cause remit in whole or in part any fee payable in proceedings before the court

139 Disposal of sums adjudged to be paid by conviction

A clerk of a magistrates' court shall apply moneys received by him on account of a sum adjudged to be paid by a summary conviction as follows—

- (a) in the first place in payment of any compensation adjudged by the conviction to be paid to any person;
- (b) in the second place in payment of any costs so adjudged to be paid to the prosecutor; and
- (c) the balance to the fund to which, or the person to whom, he is required to pay the sum by section 61 of the Justices of the Peace Act 1979 or any other enactment relating to the sum.

140 Disposal of non-pecuniary forfeitures

Subject to any enactment relating to customs or excise, anything other than money forfeited on a conviction by a magistrates' court or the forfeiture of which may be enforced by a magistrates' court shall be sold or otherwise disposed of in such manner as the court may direct; and the proceeds shall be applied as if they were a fine imposed under the enactment on which the proceedings for the forfeiture are founded.

Clerks to justices

141 Clerks to justices

- (1) Any reference in this Act to a clerk of any magistrates' court shall be construed as a reference to the clerk to the justices for the petty sessions area for which the court is acting, or was acting at the relevant time.
- (2) Where there is more than one clerk to the justices for any petty sessions area, anything that this Act requires or authorises to be done by or to the clerk to the justices shall or may be done by or to any of the clerks or by or to such of the clerks as the magistrates' courts committee having power over the appointment of clerks to justices for that area generally or in any particular case or cases may direct.
- (3) Subsections (1) and (2) above shall apply to the justices' clerks for the inner London area as if the reference in subsection (2) to the magistrates' courts committee were a reference to the committee of magistrates.

Power to rectify mistakes etc.

142 Power of magistrates' court to re-open cases to rectify mistakes etc.

- (1) Subject to subsection (4) below, a magistrates' court may vary or rescind a sentence or other order imposed or made by it when dealing with an offender; and it is hereby declared that this power extends to replacing a sentence or order which for any reason appears to be invalid by another which the court has power to impose or make.
- (2) Where a person is found guilty by a magistrates' court in a case in which he has pleaded not guilty or the court has proceeded in his absence under section 11(1) above, and it subsequently appears to the court that it would be in the interests of justice that the case should be heard again by different justices, the court may, subject to subsection (4) below, so direct

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- (3) Where a court gives a direction under subsection (2) above—
- (a) the finding of guilty and any sentence or other order imposed or made in consequence thereof shall be of no effect; and
 - (b) section 10(4) above shall apply as if the trial of the person in question had been adjourned.
- (4) The powers conferred by subsections (1) and (2) above shall be exercisable only within the period of 28 days beginning with the day on which the sentence or order was imposed or made or the person was found guilty, as the case may be, and only—
- (a) by a court constituted in the same manner as the court by which the sentence or order was imposed or made or, as the case may be, by which the person in question was found guilty, or
 - (b) where that court comprised 3 or more justices of the peace, by a court which consists of or comprises a majority of those justices.
- (5) Where a sentence or order is varied under subsection (1) above, the sentence or other order, as so varied, shall take effect from the beginning of the day on which it was originally imposed or made, unless the court otherwise directs.

Power to alter sums specified in certain provisions

143 Power to alter sums specified in certain provisions

- (1) If it appears to the Secretary of State that there has been a change in the value of money since the last occasion when the sum or sums specified in a provision mentioned in subsection (2) below were fixed, he may by order substitute for the sum or sums for the time being specified in that provision such other sum or sums as appear to him justified by the change.
- (2) The said provisions are—
- (a) section 22(1) above ;
 - (b) the definition of " the prescribed sum " in section 32(9) above;
 - (c) paragraph (a) of section 33(1) above ;
 - (d) section 40(1) above;
 - (e) the Table in paragraph 1 of Schedule 4 to this Act.
- (3) A sum specified in a provision mentioned in subsection (2) above (a " relevant provision ") may have been fixed as mentioned in subsection (1) above—
- (a) by the coming into force of a provision of the Criminal Law Act 1977 (being a provision re-enacted in the relevant provision concerned or a provision amending a provision of another Act so re-enacted), or
 - (b) by an order made under subsection (1) above in respect of the relevant provision concerned.
- (4) Where it appears to the Secretary of State that the difference between a sum to which subsection (5) below applies and the prescribed sum (within the meaning of section 32 above) has been or would be altered or eliminated by an order made or proposed to be made under subsection (1) above, he may by order amend the enactment specifying the first-mentioned sum so as to substitute for that sum such other sum as appears to him to be justified by a change in the value of money appearing to him to have taken place between—

- (a) the last occasion on which the sum in question was fixed; and
 - (b) the making of the order or proposed order under subsection (1) above.
- (5) This subsection applies to any sum specified in any enactment contained in any Act passed before, or in the same Session as, the Criminal Law Act 1977 as—
- (a) the maximum fine which may be imposed on summary conviction of an offence triable either way ; or
 - (b) the maximum fine which, in the exercise of any power by subordinate instrument to impose penal provisions, may be authorised on summary conviction in respect of an offence triable either way.
- (6) An order under subsection (1) or (4) above—
- (a) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament and may be revoked by a subsequent order thereunder; and
 - (b) shall not affect the punishment for an offence committed before that order comes into force.

Rules

144 Rule committee and rules of procedure

- (1) The Lord Chancellor may appoint a rule committee for magistrates' courts, and may on the advice of or after consultation with the rule committee make rules for regulating and prescribing the procedure and practice to be followed in magistrates' courts and by justices' clerks.
- (2) The rule committee shall consist of the Lord Chief Justice, the President of the Family Division of the High Court, the chief metropolitan stipendiary magistrate and such number of other persons appointed by the Lord Chancellor as he may determine.
- (3) Among the members of the committee appointed by the Lord Chancellor there shall be at least one justices' clerk, one practising barrister and one practising solicitor of the Supreme Court.
- (4) The power to make rules conferred by this section shall be exercisable by statutory instrument which shall be subject to annulment by resolution of either House of Parliament.
- (5) In this section the expression "justices' clerk" means a clerk to the justices for a petty sessions area.

145 Rules: supplementary provisions

- (1) The power to make rules conferred by section 144 above shall, without prejudice to the generality of subsection (1) of that section, include power to make provision—
 - (a) as to the practice and procedure of justices in exercising functions preliminary or incidental to proceedings before a magistrates' court;
 - (b) as to the service and execution of process issued by or for the purposes of a magistrates' court, including the service and execution in England and Wales of process issued in other parts of the United Kingdom;

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- (c) as to the keeping of records of proceedings before magistrates' courts and the manner in which things done in the course of, or as preliminary or incidental to, any such proceedings, or any proceedings on appeal from a magistrates' court to the Crown Court, may be proved in any legal proceedings ;
 - (d) as to the extent to which a justices' clerk may engage in practice as a solicitor or barrister ;
 - (e) as to the functions of officers of the Crown Court for the purposes of securing the attendance at a trial on indictment of persons in respect of whom conditional witness orders, or orders treated as conditional witness orders, have been made under section 1 of the Criminal Procedure (Attendance of Witnesses) Act 1965 ;
 - (f) as to the furnishing by any person having custody of the depositions of copies thereof, and of copies of the information if it is in writing, to a person committed for trial;
 - (g) as to what magistrates' court shall have jurisdiction to hear any complaint;
 - (h) as to the matters additional to those specified in section 53 above on complaint for which a magistrates' court shall have power to make an order with the consent of the defendant without hearing evidence ;
 - (i) as to any other matters as to which immediately before the coming into force of section 15 of the Justices of the Peace Act 1949 provision was or could have been made by virtue of the enactments and parts of enactments repealed by Part II of Schedule 7 to the said Act of 1949.
- (2) Where any Act expressly confers jurisdiction on any magistrates' court to hear a complaint, rules made under subsection (1)(g) above shall not take away that jurisdiction, but may extend it to any other magistrates' court.
- (3) Any Act passed before 16th December 1949, in so far as that Act relates to matters about which rules may be made under section 144 above, shall have effect subject to any rules so made and may be amended or repealed by the rules accordingly ; but nothing in the said section shall authorise the rules to reduce the number of justices required for any purpose by any Act.
- (4) No provision included in rules under section 144 above which dispenses with the need to prove that a summons issued under section 1 above and served in accordance with the rules has come to the knowledge of the accused shall apply to a summons for an indictable offence.
- (5) Any rules, directions, forms or other instrument having effect immediately before this subsection comes into force as if contained in rules made under section 15 of the Justices of the Peace Act 1949 by virtue of section 15(8) of that Act (rules etc. which previously had effect under the enactments repealed by Part II of Schedule 7 to that Act) shall have effect as if contained in rules made under section 144 above.

Rules about juvenile courts

146 Rules relating to juvenile court panels and composition of juvenile courts

- (1) Without prejudice to the generality of the power to make rules under section 144 above relating to the procedure and practice to be followed by magistrates' courts, provision may be made by such rules with respect to any of the following matters, namely.—

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- (a) the formation and revision of juvenile court panels, that is to say, panels of justices specially qualified to deal with juvenile cases and the eligibility of justices to be members of such panels ;
 - (b) the appointment of persons as chairmen of juvenile courts; and
 - (c) the composition of juvenile courts.
- (2) Rules making any such provisions as are referred to in subsection (1) above may confer powers on the Lord Chancellor with respect to any of the matters specified in the rules and may, in particular, provide for the appointment of juvenile court panels by him and for the removal from a juvenile court panel of any justice who, in his opinion, is unsuitable to serve on a juvenile court.
- (3) Rules made by virtue of this section may make different provision in relation to different areas for which juvenile court panels are formed ; and in the application of this section to the county palatine of Lancaster, for any reference in subsection (2) above to the Lord Chancellor there shall be substituted a reference to the Chancellor of the Duchy.
- (4) Nothing in this section or in any rules made under section 144 above shall affect—
 - (a) the areas for which juvenile court panels are formed and juvenile courts are constituted ;
 - (b) the provisions of Part I of Schedule 2 to the Children and Young Persons Act 1963 (and, as it has effect by virtue of section 17(1) of that Act, Part I of Schedule 2 to the Children and Young Persons Act 1933) with respect to the making of recommendations and orders relating to the formation of combined juvenile court panels; or
 - (c) the provisions of paragraph 14 of that Schedule relating to the divisions of the metropolitan area for which juvenile courts sit;but rules under section 144 above may repeal, either generally or with respect to any part of the metropolitan area, any provision contained in paragraphs 15 to 18 of that Schedule (which contain provisions applicable in the metropolitan area with respect to certain of the matters referred to in subsection (1) above) and in subsections (2) and (3) of section 12 of the Administration of Justice Act 1964 (which amend those paragraphs).
- (5) In this section " the metropolitan area " means the inner London area and the City of London.

Occasional court-houses

147 Occasional court-house

- (1) The justices acting for a petty sessions area may appoint as an occasional court-house any place that is not a petty-sessional court-house.
- (2) A place appointed as an occasional court-house after 31st May 1953 shall not be used as such unless public notice has been given that it has been appointed.
- (3) There may be more than one occasional court-house for each petty sessions area; and an occasional court-house may be outside the petty sessions area for which it is appointed, and if so shall be deemed to be in that area for the purpose of the jurisdiction of the justices acting for that area.

Status: This is the original version (as it was originally enacted).

Interpretation

148 " Magistrates' court"

- (1) In this Act the expression " magistrates' court" means any justice or justices of the peace acting under any enactment or by virtue of his or their commission or under the common law.
- (2) Except where the contrary is expressed, anything authorised or required by this Act to be done by, to or before the magistrates' court by, to or before which any other thing was done, or is to be done, may be done by, to or before any magistrates' court acting for the same petty sessions area as that court.

149 Isles of Scilly

For the purposes of this Act the Isles of Stilly form part of the county of Cornwall.

150 Interpretation of other terms

- (1) In this Act, unless the context otherwise requires, the following expressions have the meaning hereby assigned to them, that is to say—
 - " Act " includes local Act;
 - " affiliation order " has the same meaning as in the Affiliation Proceedings Act 1957 ;
 - " bail in criminal proceedings " has the same meaning as in the Bail Act 1976;
 - " commit to custody " means commit to prison or, where any enactment authorises or requires committal to some other place of detention instead of committal to prison, to that other place;
 - " committal proceedings " means proceedings before a magistrates' court acting as examining justices;
 - " domestic proceedings " has the meaning assigned to it by section 65 above ;
 - " enactment " includes an enactment contained in a local Act or in any order, regulation or other instrument having effect by virtue of an Act;
 - " fine ", except for the purposes of any enactment imposing a limit on the amount of any fine, includes any pecuniary penalty or pecuniary forfeiture or pecuniary compensation payable under a conviction ;
 - " impose imprisonment " means pass a sentence of imprisonment or fix a term of imprisonment for failure to pay any sum of money, or for want of sufficient distress to satisfy any sum of money, or for failure to do or abstain from doing anything required to be done or left undone;
 - " London commission area " has the same meaning as in the Justices of the Peace Act 1979 ;
 - " petty-sessional court-house " means any of the following, that is to say—
 - (a) a court-house or place at which justices are accustomed to assemble for holding special or petty sessions or for the time being appointed as a substitute for such a court-house or place (including, where justices are accustomed to assemble for either special or petty sessions at more than one court-house or place in a petty sessional division, any such courthouse or place);

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- (b) a court-house or place at which a stipendiary magistrate is authorised by law to do alone any act authorised to be done by more than one justice of the peace;
 - " petty sessions area " means any of the following areas, that is to say, a non-metropolitan county which is not divided into petty sessional divisions, a petty sessional division of a non-metropolitan county, a metropolitan district which is not divided into petty sessional divisions, a petty sessional division of a metropolitan district, a London commission area which is not divided into petty sessional divisions, a petty sessional division of a London commission area and the City of London ;
 - " prescribed " means prescribed by the rules ;
 - " the register " means the register of proceedings before a magistrates' court required by the rules to be kept by the clerk of the court;
 - "the rules " means rules made under section 144 above;
 - " sentence " does not include a committal in default of payment of any sum of money, or for want of sufficient distress to satisfy any sum of money, or for failure to do or abstain from doing anything required to be done or left undone ;
 - " sum enforceable as a civil debt " means—
 - (a) any sum recoverable summarily as a civil debt which is adjudged to be paid by the order of a magistrates' court;
 - (b) any other sum expressed by this or any other Act to be so enforceable;
 - "transfer of fine order " has the meaning assigned to it by section 89 above.
- (2) Except where the contrary is expressed or implied, anything required or authorised by this Act to be done by justices may, where two or more justices are present, be done by one of them on behalf of the others.
- (3) Any reference in this Act to a sum adjudged to be paid by a conviction or order of a magistrates' court shall be construed as including a reference to any costs, damages or compensation adjudged to be paid by the conviction or order of which the amount is ascertained by the conviction or order; but this subsection does not prejudice the definition of " sum adjudged to be paid by a conviction " contained in subsection (8) of section 81 above for the purposes of that section.
- (4) Where the age of any person at any time is material for the purposes of any provision of this Act regulating the powers of a magistrates' court, his age at the material time shall be deemed to be or to have been that which appears to the court after considering any available evidence to be or to have been his age at that time.
- (5) Except where the context otherwise requires, any reference in this Act to an offence shall be construed as including a reference to an alleged offence; and any reference in this Act to an offence committed, completed or begun anywhere shall be construed as including a reference to an offence alleged to have been committed, completed or begun there.
- (6) References in this Act to an offence punishable with imprisonment or punishable on summary conviction with imprisonment shall be construed without regard to any prohibition or restriction imposed by or under this or any other Act on imprisonment of young offenders.
- (7) The provisions of this Act authorising a magistrates' court on conviction of an offender to pass a sentence or make an order instead of dealing with him in any other way shall

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not be construed as taking away any power to order him to pay costs, damages or compensation.

Miscellaneous

151 Application of Act to distress for rates

- (1) Justices may state a case under this Act when called upon to issue a warrant of distress for any rate other than a rate within the meaning of the General Rate Act 1967.
- (2) Sections 79(2) and 100 above shall apply to proceedings for the non-payment of any rate to which subsection (1) above applies as they apply to proceedings for the non-payment of a sum adjudged to be paid by a magistrates' court.
- (3) Except as provided in the preceding provisions of this section, the power of justices to issue a warrant of distress for a rate, the form and execution of such a warrant and the committal of persons for want of sufficient distress to satisfy a rate shall not be subject to the provisions of this Act.

152 Saving for juvenile courts

The provisions of this Act relating to the constitution, place of sitting and procedure of magistrates' courts shall, in their application to juvenile courts, have effect subject to any provision contained in the rules or any enactment regulating the constitution, place of sitting or procedure of juvenile courts.

153 Magistrates' court may sit on Sundays and public holidays

It is hereby declared that a magistrates' court may sit on any day of the year, and in particular (if the court thinks fit) on Christmas Day, Good Friday or any Sunday.

Repeals, short title, etc.

154 Consequential amendments, transitional provisions, repeals, etc.

- (1) Subject to subsection (2) below, the enactments mentioned in Schedule 7 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the provisions of this Act.
- (2) The transitional provisions and savings in Schedule 8 to this Act shall have effect.
- (3) Subject to subsection (2) above, the enactments specified in Schedule 9 to this Act (which include enactments which were spent before the passing of this Act) are hereby repealed to the extent specified in the third column of that Schedule.
- (4) Nothing in this Act shall be taken as prejudicing the operation of sections 16 and 17 of the Interpretation Act 1978 (which relate to the effect of repeals).

155 Short title, extent and commencement

- (1) This Act may be cited as the Magistrates' Courts Act 1980.
- (2) The following provisions of this Act extend to Scotland—

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- (a) sections 8 (except subsection (9)), 12(8), 83(3), 90 and 91 and this section ;
and
 - (b) section 154 and Schedules 7, 8 and 9 so far as they relate to any enactment
extending to Scotland.
- (3) The following provisions of this Act extend to Northern Ireland—
- (a) sections 83(3), 90 and 91 and this section ; and
 - (b) section 154 and Schedules 7, 8 and 9 so far as they re late to an enactment
extending to Northern Ireland.
- (4) The provisions of section 126 above have the same extent as the sections of the
Indictable Offences Act 1848 to which they refer.
- (5) The provisions of section 32(7) and (9) above, in their operation in relation to the
provision that may be made under subsection (2) of section 2 of the European
Communities Act 1972, extend to all places to which the said section 2 extends (except
Scotland).
- (6) Except as stated in subsections (2) to (5) above, and except so far as relates to the
interpretation or commencement of the provisions mentioned in those subsections,
this Act extends to England and Wales only.
- (7) This Act shall come into force on such date as the Secretary of State may appoint by
order made by statutory instrument.