



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART I

CRIMINAL JURISDICTION AND PROCEDURE

Jurisdiction to issue process and deal with charges

1 Issue of summons to accused or warrant for his arrest.

[^{F1}(1) On an information being laid before a justice of the peace that a person has, or is suspected of having, committed an offence, the justice may issue—

- (a) a summons directed to that person requiring him to appear before a magistrates' court to answer the information, or
- (b) a warrant to arrest that person and bring him before a magistrates' court.]

(2) ^{F2}.....

(3) No warrant shall be issued under this section unless the information is in writing ^{F3}....

(4) No warrant shall be issued under this section for the arrest of any person who has attained [^{F4} the age of 18 years] unless—

- (a) the offence to which the warrant relates is an indictable offence or is punishable with imprisonment, or
- (b) the person's address is not sufficiently established for a summons to be served on him.

[^{F5}(4A) Where a person who is not a [^{F6}relevant prosecutor authorised to issue requisitions] lays an information before a justice of the peace in respect of an offence to which this subsection applies, no warrant shall be issued under this section without the consent of the Director of Public Prosecutions.

^{F7}(4B).....

(4C) Subsection (4A) applies to—

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- (a) a qualifying offence which is alleged to have been committed outside the United Kingdom, or
- (b) an ancillary offence relating to a qualifying offence where it is alleged that the qualifying offence was, or would have been, committed outside the United Kingdom.

(4D) In subsection (4C) “qualifying offence” means any of the following—

- (a) piracy or an offence under section 2 of the Piracy Act 1837 (piracy where murder is attempted);
- (b) an offence under section 1 of the Geneva Conventions Act 1957 (grave breaches of Geneva conventions);
- (c) an offence which (disregarding the provisions of the Suppression of Terrorism Act 1978, the Nuclear Material (Offences) Act 1983, the United Nations Personnel Act 1997 and the Terrorism Act 2000) would not be an offence apart from section 1 of the Internationally Protected Persons Act 1978 (attacks and threats of attacks on protected persons);
- (d) an offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking);
- (e) an offence under section 1, 2 or 6 of the Aviation Security Act 1982 (hijacking etc);
- (f) an offence which (disregarding the provisions of the Internationally Protected Persons Act 1978, the Suppression of Terrorism Act 1978, the United Nations Personnel Act 1997 and the Terrorism Act 2000) would not be an offence apart from sections 1 to 2A of the Nuclear Material (Offences) Act 1983 (offences relating to nuclear material);
- (g) an offence under section 134 of the Criminal Justice Act 1988 (torture);
- (h) an offence under section 1 of the Aviation and Maritime Security Act 1990 (endangering safety at aerodromes);
- (i) an offence under sections 9 to 14 of that Act (hijacking ships etc);
- (j) an offence which (disregarding the provisions of the Internationally Protected Persons Act 1978, the Suppression of Terrorism Act 1978, the Nuclear Material (Offences) Act 1983 and the Terrorism Act 2000) would not be an offence apart from sections 1 to 3 of the United Nations Personnel Act 1997 (attacks on UN workers etc);
- ^{F8}(k) [an offence under paragraph 1 of Schedule 4 to the Space Industry Act 2018 (hijacking of spacecraft) or paragraph 2 or 4 of that Schedule (destroying or damaging spacecraft or endangering safety of spacecraft or safety at spaceports).]

(4E) In subsection (4C) “ancillary offence”, in relation to an offence, means—

- (a) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to the offence (including, in relation to times before the commencement of that Part, an offence of incitement);
- (b) attempting or conspiring to commit the offence.]

(5) ^{F2}.....

(6) Where the offence charged is an indictable offence, a warrant under this section may be issued at any time notwithstanding that a summons has previously been issued.

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- (7) A justice of the peace may issue a summons or warrant under this section upon an information being laid before him notwithstanding any enactment requiring the information to be laid before two or more justices.
- (8) ^{F2}

Textual Amendments

- F1** S. 1(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 43(1), 110; S.I. 2005/910, art. 3(p)
- F2** S. 1(2)(5)(8) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 43(2), 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(p)(aa)
- F3** Words in s. 1(3) omitted (29.1.2004) by virtue of Criminal Justice Act 2003 (c. 44), ss. {31(1)}, 336; S.I. 2004/81, art. 4(1)(2)(d) and the same words repealed (15.12.2004) by s. 332, {Sch. 37 Part. 12} of that Act; S.I. 2004/3033, art. 3(2)(e)(ii)
- F4** Words in s. 1(4) 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
- F5** S. 1(4A)-(4E) inserted (15.9.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. 153(1), 157(3)(b)
- F6** Words in s. 1(4A) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), Sch. 11 para. 3(2); S.I. 2015/778, art. 3, Sch. 1 para. 77
- F7** S. 1(4B) omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), Sch. 11 para. 3(3); S.I. 2015/778, art. 3, Sch. 1 para. 77
- F8** S. 1(4D)(k) inserted (29.7.2021) by Space Industry Act 2018 (c. 5), s. 70(1), Sch. 12 para. 2; S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 1(3) words inserted by [2003 c. 44 Sch. 36 para. 8\(2\)](#)
- s. 1(4) words inserted by [2003 c. 44 Sch. 36 para. 8\(3\)](#)
- s. 1(6) words inserted by [2003 c. 44 Sch. 36 para. 8\(4\)](#)

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](#)