



# Magistrates' Courts (Procedure) Act 1998

## 1998 CHAPTER 15

An Act to amend sections 12 and 13 of the Magistrates' Courts Act 1980; to make further provision, in relation to certain criminal proceedings in magistrates' courts, about the proof of previous convictions and orders; and for connected purposes. [21st May 1998]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Statement to be served to enable accused to plead guilty without appearing**

(1) In subsection (3) of section 12 of the Magistrates' Courts Act 1980 (non-appearance of accused: plea of guilty), for paragraph (b) there is substituted—

“(b) either of the following, namely—

- (i) a concise statement of such facts relating to the charge as will be placed before the court by the prosecutor if the accused pleads guilty without appearing before the court, or
- (ii) a copy of such written statement or statements complying with subsections (2)(a) and (b) and (3) of section 9 of the Criminal Justice Act 1967 (proof by written statement) as will be so placed in those circumstances; and”.

(2) In subsection (7) of that section, for paragraph (a) there is substituted—

- “(a) in a case where a statement of facts as mentioned in subsection (3)(b) (i) above was served on the accused with the summons, that statement;
- (aa) in a case where a statement or statements as mentioned in subsection (3)(b)(ii) above was served on the accused with the summons and the court does not otherwise direct, that statement or those statements;”.

(3) After subsection (7) of that section there is inserted—

“(7A) Where the court gives a direction under subsection (7)(aa) above the court shall cause an account to be given orally before the court by the clerk of the court of so much of any statement as is not read aloud.

(7B) Whether or not a direction under paragraph (aa) of subsection (7) above is given in relation to any statement served as mentioned in that paragraph the court need not cause to be read out the declaration required by section 9(2)(b) of the Criminal Justice Act 1967.”

## **2 Evidence of previous convictions in motoring cases**

(1) After subsection (3) of section 13 of the Road Traffic Offenders Act 1988 (admissibility of records as evidence), there is inserted—

“(3A) In any case where—

- (a) a person is convicted by a magistrates' court of a summary offence under the Traffic Acts or the Road Traffic (Driver Licensing and Information Systems) Act 1989,
- (b) a statement to which this section applies is produced to the court in the proceedings,
- (c) the statement specifies an alleged previous conviction of the accused of an offence involving obligatory endorsement or an order made on the conviction, and
- (d) the accused is not present in person before the court when the statement is so produced,

the court may take account of the previous conviction or order as if the accused had appeared and admitted it.

(3B) Section 104 of the Magistrates' Courts Act 1980 (under which previous convictions may be adduced in the absence of the accused after giving him seven days' notice of them) does not limit the effect of subsection (3A) above.”

(2) In subsection (4) of that section, at the end of paragraph (a) there is inserted “other than a summary offence under any of the enactments mentioned in subsection (3A) (a) above”.

## **3 Power to issue warrant for arrest of accused after conviction where disqualification proposed**

(1) In subsection (1) of section 13 of the Magistrates' Courts Act 1980 (non-appearance of accused: issue of warrant) the words “if the information has been substantiated on oath” are hereby repealed.

(2) For subsection (3) of that section there is substituted—

“(3) A warrant for the arrest of any person who has attained the age of 18 shall not be issued under this section unless—

- (a) the information has been substantiated on oath and the offence to which the warrant relates is punishable with imprisonment, or
- (b) the court, having convicted the accused, proposes to impose a disqualification on him.

(3A) A warrant for the arrest of any person who has not attained the age of 18 shall not be issued under this section unless—

- (a) the information has been substantiated on oath, or
- (b) the court, having convicted the accused, proposes to impose a disqualification on him.”

#### **4 Up-dating of references to s. 12 of Magistrates' Courts Act 1980**

- (1) In each of the following provisions (which refer to notification in pursuance of section 12(2) of the Magistrates' Courts Act 1980), namely—
  - (a) sections 8 and 25(2)(a) of the Road Traffic Offenders Act 1988, and
  - (b) section 55(5) of the Vehicle Excise and Registration Act 1994,for “12(2)” there is substituted “12(4)”.
- (2) In each of the following provisions (which refer to the conviction of a person in his absence under section 12(2) of the Magistrates' Courts Act 1980), namely—
  - (a) section 121(1) of the Social Security Administration Act 1992,
  - (b) section 68(1) of the Pension Schemes Act 1993, and
  - (c) section 55(1) of the Vehicle Excise and Registration Act 1994,for “12(2)” there is substituted “12(5)”.

#### **5 Short title, commencement and extent**

- (1) This Act may be cited as the Magistrates' Courts (Procedure) Act 1998.
- (2) This Act, except this section, shall not come into force until such day as the Lord Chancellor may by order made by statutory instrument appoint.
- (3) An order under subsection (2)—
  - (a) may appoint different days for different purposes, and
  - (b) may include such supplemental or transitional provisions or savings as appear to the Lord Chancellor to be necessary or expedient.
- (4) Except as provided by subsection (6), this Act does not extend to Northern Ireland.
- (5) Sections 1 and 3 extend to England and Wales only.
- (6) The provisions of section 4 have the same extent as the enactments amended.