



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART I

#### CRIMINAL JURISDICTION AND PROCEDURE

#### *[<sup>F1</sup>Committal proceedings]*

#### Textual Amendments

- F1** S. 4 cross-heading repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s.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)

#### **4 General nature of committal proceedings.**

- <sup>F2</sup>(1) The functions of examining justices may be discharged by a single justice.
- (2) Examining justices shall sit in open court except where any enactment contains an express provision to the contrary and except where it appears to them as respects the whole or any part of committal proceedings that the ends of justice would not be served by their sitting in open court.
- <sup>F3</sup>(3) Subject to subsection (4) below, evidence tendered before examining justices shall be tendered in the presence of the accused.]
- (4) Examining justices may allow evidence to be [<sup>F4</sup>tendered] before them in the absence of the accused if—
- (a) they consider that by reason of his disorderly conduct before them it is not practicable for the evidence to be [<sup>F4</sup> tendered] in his presence, or

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- (b) he cannot be present for reasons of health but is represented by [<sup>F5</sup> a legal representative] and has consented to the evidence being [<sup>F4</sup>tendered] in his absence.]

#### Textual Amendments

- F2** Ss. 4-8 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s.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** S. 4(3) substituted (4.7.1996 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. 2\(2\)](#) (with s. 78(1)); S.I. 1997/683, [art. 1\(2\)](#)
- F4** Words in s. 4(4) inserted (4.7.1996 with effect as mentioned in Sch. 1 Pt. III para. 39 of the inserting Act) by [1996 c. 25](#), s. 47, [Sch. 1 Pt. I para. 2\(3\)](#) (with s. 78(1)); S.I. 1997/683, [art. 1\(2\)](#)
- F5** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37, 82\)](#), s. 125(3), [Sch. 18 para. 25\(3\)\(a\)](#)

## 5 Adjourning of inquiry.

- [<sup>F2</sup>(1) A magistrates' court may, before beginning to inquire into an offence as examining justices, or at any time during the inquiry, adjourn the hearing, and if it does so shall remand the accused.
- (2) The court shall when adjourning fix the time and place at which the hearing is to be resumed; and the time fixed shall be that at which the accused is required to appear or be brought before the court in pursuance of the remand [<sup>F6</sup>or would be required to be brought before the court but for section 128(3A) below].]

#### Textual Amendments

- 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)
- F6** Words added by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 59(1), [Sch. 9 para. 1\(a\)](#)

## [<sup>F7</sup>5A Evidence which is admissible.

- [<sup>F2</sup>(1) Evidence falling within subsection (2) below, and only that evidence, shall be admissible by a magistrates' court inquiring into an offence as examining justices.
- (2) Evidence falls within this subsection if it—
- is tendered by or on behalf of the prosecutor, and
  - falls within subsection (3) below.
- (3) The following evidence falls within this subsection—
- written statements complying with section 5B below;
  - the documents or other exhibits (if any) referred to in such statements;
  - depositions complying with section 5C below;

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- (d) the documents or other exhibits (if any) referred to in such depositions;
- (e) statements complying with section 5D below;
- (f) documents falling within section 5E below.

(4) In this section “document” means anything in which information of any description is recorded.]]

#### Textual Amendments

- 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)
- F7** Ss. 5A-5F inserted (with effect as mentioned in Sch. 1 Pt. III para. 39 of the inserting Act) by [1996 c. 25](#), s. 47, [Sch. 1 Pt. I para.3](#) (with s. 78(1)); [S.I. 1997/683](#), [art. 1\(2\)](#)

#### Modifications etc. (not altering text)

- C1** S. 5A extended (with effect as mentioned in Sch. 1 Pt. III para. 39 of [1996 c. 25](#)) by [1972 c. 71](#), [s. 46\(1A\)\(a\)\(1B\)\(a\)](#) (as inserted by [1996 c. 25](#), s. 47, [Sch. 1 Pt. II para. 22\(3\)](#) (with s. 78(1); [S.I. 1997/683](#), [art. 1\(2\)](#))

#### <sup>F8</sup>5B Written statements.

[<sup>F2</sup>(1) For the purposes of section 5A above a written statement complies with this section if—

- (a) the conditions falling within subsection (2) below are met, and
- (b) such of the conditions falling within subsection (3) below as apply are met.

(2) The conditions falling within this subsection are that—

- (a) the statement purports to be signed by the person who made it;
- (b) the statement contains a declaration by that person to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that, if it were tendered in evidence, he would be liable to prosecution if he wilfully stated in it anything which he knew to be false or did not believe to be true;
- (c) before the statement is tendered in evidence a copy of the statement is given, by or on behalf of the prosecutor, to each of the other parties to the proceedings.

(3) The conditions falling within this subsection are that—

- (a) if the statement is made by a person under 18 years old, it gives his age;
- (b) if it is made by a person who cannot read it, it is read to him before he signs it and is accompanied by a declaration by the person who so read the statement to the effect that it was so read;
- (c) if it refers to any other document as an exhibit, the copy given to any other party to the proceedings under subsection (2)(c) above is accompanied by a copy of that document or by such information as may be necessary to enable the party to whom it is given to inspect that document or a copy of it.

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- (4) So much of any statement as is admitted in evidence by virtue of this section shall, unless the court commits the accused for trial by virtue of section 6(2) below or the court otherwise directs, be read aloud at the hearing; and where the court so directs an account shall be given orally of so much of any statement as is not read aloud.
- (5) Any document or other object referred to as an exhibit and identified in a statement admitted in evidence by virtue of this section shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.
- (6) In this section “document” means anything in which information of any description is recorded.]

#### Textual Amendments

- 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)
- F8** Ss. 5A-5F inserted (with effect as mentioned in Sch. 1 Pt. III para. 39 of the inserting Act) by [1996 c. 25](#), s. 47, [Sch. 1 Pt. I para.3](#); [S.I. 1997/683](#), [art. 1\(2\)](#)

#### Modifications etc. (not altering text)

- C2** S. 5B extended (with effect as mentioned in Sch. 1 Pt. III para. 39 of [1996 c. 25](#)) by [1972 c. 71](#), s. [46\(1A\)\(b\)](#) (as inserted by [1996 c. 25](#), s. 47, [Sch. 1 Pt. II para. 22\(3\)](#) (with s. 78(1); [S.I. 1997/683](#), [art. 1\(2\)](#))
- S. 5B extended (with modifications) (with effect as mentioned in Sch. 1 Pt. III para. 39 of [1996 c. 25](#)) by [1972 c. 71](#), s. [46\(1B\)\(b\)](#) (as inserted by [1996 c. 25](#), [Sch. 1 Pt. II para. 22\(3\)](#) (with s. 78(1)); [S.I. 1997/683](#), [art. 1\(2\)](#))
- C3** S. 5B modified (prosp.) by [1997 c. 39](#), [ss. 9\(1\)](#), [11\(2\)](#) (with [ss. 1\(4\)](#), [11\(3\)](#))

#### <sup>F9</sup>5C Depositions.

- [<sup>F2</sup>(1) For the purposes of section 5A above a deposition complies with this section if—
- (a) a copy of it is sent to the prosecutor under section 97A(9) below,
  - (b) the condition falling within subsection (2) below is met, and
  - (c) the condition falling within subsection (3) below is met, in a case where it applies.
- (2) The condition falling within this subsection is that before the magistrates' court begins to inquire into the offence concerned as examining justices a copy of the deposition is given, by or on behalf of the prosecutor, to each of the other parties to the proceedings.
- (3) The condition falling within this subsection is that, if the deposition refers to any other document as an exhibit, the copy given to any other party to the proceedings under subsection (2) above is accompanied by a copy of that document or by such information as may be necessary to enable the party to whom it is given to inspect that document or a copy of it.
- (4) So much of any deposition as is admitted in evidence by virtue of this section shall, unless the court commits the accused for trial by virtue of section 6(2) below or the

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court otherwise directs, be read aloud at the hearing; and where the court so directs an account shall be given orally of so much of any deposition as is not read aloud.

- (5) Any document or other object referred to as an exhibit and identified in a deposition admitted in evidence by virtue of this section shall be treated as if it had been produced as an exhibit and identified in court by the person whose evidence is taken as the deposition.
- (6) In this section “document” means anything in which information of any description is recorded.]

#### Textual Amendments

- 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)
- F9** Ss. 5A-5F inserted (with effect as mentioned in Sch. 1 Pt. III para. 39 of the inserting Act) by [1996 c. 25](#), s. 47, [Sch. 1 Pt. I para.3](#); [S.I. 1997/683](#), [art. 1\(2\)](#)

#### Modifications etc. (not altering text)

- C4** S. 5C modified (prosp.) by [1997 c. 39](#), [ss. 9\(1\)](#), [11\(2\)](#) (with [ss. 1\(4\)](#), [11\(3\)](#))

#### <sup>F10</sup>5D Statements.

- [<sup>F2</sup>(1) For the purposes of section 5A above a statement complies with this section if the conditions falling within subsections (2) to (4) below are met.
- (2) The condition falling within this subsection is that, before the committal proceedings begin, the prosecutor notifies the magistrates' court and each of the other parties to the proceedings that he believes—
- (a) that the statement might by virtue of section 23 or 24 of the <sup>M1</sup>Criminal Justice Act 1988 (statements in certain documents) be admissible as evidence if the case came to trial, and
- (b) that the statement would not be admissible as evidence otherwise than by virtue of section 23 or 24 of that Act if the case came to trial.
- (3) The condition falling within this subsection is that—
- (a) the prosecutor's belief is based on information available to him at the time he makes the notification,
- (b) he has reasonable grounds for his belief, and
- (c) he gives the reasons for his belief when he makes the notification.
- (4) The condition falling within this subsection is that when the court or a party is notified as mentioned in subsection (2) above a copy of the statement is given, by or on behalf of the prosecutor, to the court or the party concerned.
- (5) So much of any statement as is in writing and is admitted in evidence by virtue of this section shall, unless the court commits the accused for trial by virtue of section 6(2) below or the court otherwise directs, be read aloud at the hearing; and where the court so directs an account shall be given orally of so much of any statement as is not read aloud.]

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#### Textual Amendments

- 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)
- F10** Ss. 5A-5F inserted (with effect as mentioned in Sch. 1 Pt. III para. 39 of the inserting Act) by [1996 c. 25](#), s. 47, [Sch. 1 Pt. I para.3](#); [S.I. 1997/683](#), [art. 1\(2\)](#)

#### Modifications etc. (not altering text)

- C5** S. 5D modified (prosp.) by [1997 c. 39](#), [ss. 9\(1\)](#), [11\(2\)](#) (with [ss. 1\(4\)](#), [11\(3\)](#))

#### Marginal Citations

- M1** [1988 c. 33](#).

### <sup>F11</sup>5E Other documents.

[<sup>F2</sup>(1) The following documents fall within this section—

- (a) any document which by virtue of any enactment is evidence in proceedings before a magistrates' court inquiring into an offence as examining justices;
- (b) any document which by virtue of any enactment is admissible, or may be used, or is to be admitted or received, in or as evidence in such proceedings;
- (c) any document which by virtue of any enactment may be considered in such proceedings;
- (d) any document whose production constitutes proof in such proceedings by virtue of any enactment;
- (e) any document by the production of which evidence may be given in such proceedings by virtue of any enactment.

(2) In subsection (1) above—

- (a) references to evidence include references to prima facie evidence;
- (b) references to any enactment include references to any provision of this Act.

(3) So much of any document as is admitted in evidence by virtue of this section shall, unless the court commits the accused for trial by virtue of section 6(2) below or the court otherwise directs, be read aloud at the hearing; and where the court so directs an account shall be given orally of so much of any document as is not read aloud.

(4) In this section “document” means anything in which information of any description is recorded.]

#### Textual Amendments

- 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)

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**F11** Ss. 5A-5F inserted (with effect as mentioned in Sch. 1 Pt. III para. 39 of the inserting Act) by 1996 c. 25, s. 47, **Sch. 1 Pt. I para.3**; S.I. 1997/683, **art. 1(2)**

## **<sup>F12</sup>5F Proof by production of copy.**

- <sup>F2</sup>(1) Where a statement, deposition or document is admissible in evidence by virtue of section 5B, 5C, 5D or 5E above it may be proved by the production of—
- (a) the statement, deposition or document, or
  - (b) a copy of it or the material part of it.
- (2) Subsection (1)(b) above applies whether or not the statement, deposition or document is still in existence.
- (3) It is immaterial for the purposes of this section how many removes there are between a copy and the original.
- (4) In this section “copy”, in relation to a statement, deposition or document, means anything onto which information recorded in the statement, deposition or document has been copied, by whatever means and whether directly or indirectly.]

### **Textual Amendments**

- 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)
- F12** Ss. 5A-5F inserted (with effect as mentioned in Sch. 1 Pt. III para. 39 of the inserting Act) by 1996 c. 25, s. 47, **Sch. 1 Pt. I para.3**; S.I. 1997/683, **art. 1(2)**

## **6 Discharge or committal for trial.**

- <sup>F13</sup><sup>F2</sup>(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;

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

(3) Subject to section 4 of the <sup>M2</sup>Bail Act 1976 and section 41 below, the court may commit a person for trial—

- (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 <sup>M3</sup>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 <sup>M4</sup>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 <sup>M5</sup>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 [<sup>F14</sup>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 [<sup>F15</sup>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 [<sup>F16</sup>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

- 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)
- F13** 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\(2\)](#)
- F14** 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\(y\)](#)
- F15** 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](#)



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**F16** 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](#)

#### Modifications etc. (not altering text)

**C6** 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.](#)

**C7** S. 6 modified (temp.) (prosp.) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 59, 60, [Sch. 12 para. 3](#)

#### Marginal Citations

**M2** 1976 c. 63.

**M3** 1976 c. 63.

**M4** 1976 c. 63.

**M5** 1976 c. 63

## 7 Place of trial on indictment.

[<sup>F2</sup>A magistrates' court committing a person for trial shall specify the place at which he is to be tried, and in selecting that place shall have regard to—

- (a) the convenience of the defence, the prosecution and the witnesses,
- (b) the expediting of the trial, and
- (c) any direction given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor under section 4(5) of the <sup>M6</sup>Courts Act 1971.]

#### Textual Amendments

**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)

#### Modifications etc. (not altering text)

**C8** S. 7 applied (prosp.) by [War Crimes Act 1991 \(c. 13, SIF 39:4\)](#), ss. 1(4), 3(4), [Sch. Pt. 1 para. 2\(1\)](#) (which affecting provision was repealed (4.7.1996) before coming into force by [Criminal Procedure and Investigations Act 1996 \(c. 25\)](#), ss. 46(1)(b), 80, [Sch. 5 para. 2](#) (with s. 78(1))

**C9** S. 7 applied (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 53(5), [Sch. 6 para. 1\(1\)](#); S.I. 1992/333, art. 2(2), [Sch.2](#)

#### Marginal Citations

**M6** 1971 c. 23.

## 8 Restrictions on reports of committal proceedings.

[<sup>F2</sup>(1) Except as provided by subsections (2), (3) and (8) below, it shall not be lawful to publish in Great Britain a written report, or to [<sup>F17</sup>include in a relevant programme for reception]in Great Britain a report, of any committal proceedings in England and Wales containing any matter other than that permitted by subsection (4) below.

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(2) <sup>[F18]</sup>Subject to subsection (2A) below]a magistrates' court shall, on an application for the purpose made with reference to any committal proceedings by the accused or one of the accused, as the case may be, order that subsection (1) above shall not apply to reports of those proceedings.

<sup>[F19]</sup>(2A) Where in the case of two or more accused one of them objects to the making of an order under subsection (2) above, the court shall make the order if, and only if, it is satisfied, after hearing the representations of the accused, that it is in the interests of justice to do so.

(2B) An order under subsection (2) above shall not apply to reports of proceedings under subsection (2A) above, but any decision of the court to make or not to make such an order may be contained in reports published <sup>[F20]</sup>or included in a relevant programme]before the time authorised by subsection (3) below.]

(3) It shall not be unlawful under this section to publish <sup>[F21]</sup>or include in a relevant programme]a report of committal proceedings containing any matter other than that permitted by subsection (4) below—

- (a) where the magistrates' court determines not to commit the accused, or determines to commit none of the accused, for trial, after it so determines;
- (b) where the court commits the accused or any of the accused for trial, after the conclusion of his trial or, as the case may be, the trial of the last to be tried;

and where at any time during the inquiry the court proceeds to try summarily the case of one or more of the accused under section 25(3) or (7) below, while committing the other accused or one or more of the other accused for trial, it shall not be unlawful under this section to publish <sup>[F21]</sup>or include in a relevant programme]as part of a report of the summary trial, after the court determines to proceed as aforesaid, a report of so much of the committal proceedings containing any such matter as takes place before the determination.

(4) The following matters may be contained in a report of committal proceedings published <sup>[F22]</sup> or included in a relevant programme]without an order under subsection (2) above before the time authorised by subsection (3) above, that is to say—

- (a) the identity of the court and the names of the examining justices;
- (b) the names, addresses and occupations of the parties and witnesses and the ages of the accused and witnesses;
- (c) the offence or offences, or a summary of them, with which the accused is or are charged;
- (d) the names of <sup>[F23]</sup> the legal representatives]engaged in the proceedings;
- (e) any decision of the court to commit the accused or any of the accused for trial, and any decision of the court on the disposal of the case of any accused not committed;
- (f) where the court commits the accused or any of the accused for trial, the charge or charges, or a summary of them, on which he is committed and the court to which he is committed;
- (g) where the committal proceedings are adjourned, the date and place to which they are adjourned;
- (h) any arrangements as to bail on committal or adjournment;

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- [<sup>F24</sup>(i) whether, for the purposes of the proceedings, representation was provided to the accused or any of the accused under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.]
- (5) If a report is published [<sup>F25</sup> or included in a relevant programme] in contravention of this section, the following persons, that is to say—
- (a) in the case of a publication of a written report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;
  - (b) in the case of a publication of a written report otherwise than as part of a newspaper or periodical, the person who publishes it;
  - [<sup>F26</sup>(c) in the case of the inclusion of a report in a relevant programme, any body corporate which provides the service in which the programme is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper.]
- shall be liable on summary conviction to a fine not exceeding [<sup>F27</sup>level 5 on the standard scale].
- (6) Proceedings for an offence under this section shall not, in England and Wales, be instituted otherwise than by or with the consent of the Attorney-General.
- (7) Subsection (1) above shall be in addition to, and not in derogation from, the provisions of any other enactment with respect to the publication of reports and proceedings of magistrates' and other courts.
- (8) For the purposes of this section committal proceedings shall, in relation to an information charging an indictable offence, be deemed to include any proceedings in the magistrates' court before the court proceeds to inquire into the information as examining justices; but where a magistrates' court which has begun to try an information summarily discontinues the summary trial in pursuance of section 25(2) or (6) below and proceeds to inquire into the information as examining justices, that circumstance shall not make it unlawful under this section for a report of any proceedings on the information which was published [<sup>F28</sup> or included in a relevant programme] before the court determined to proceed as aforesaid to have been so published [<sup>F28</sup> or included in a relevant programme].
- (9) . . . . . <sup>F29</sup>

- (10) In this section—
- . . . . . <sup>F30</sup>
  - . . . . . <sup>F31</sup>
- “publish”, in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public.
- [<sup>F32</sup>“relevant programme” means a programme included in a programme service (within the meaning of the Broadcasting Act 1990).]

**Textual Amendments**

**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\(1\)\(c\)\(2\)\(3\) \(with arts. 3, 4\)](#)

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- F17** Words substituted by virtue of Broadcasting Act 1990 (c.42, SIF 96), ss. 4(6), 87(6), 203(1), **Sch. 20 para. 29(1)(a)**
- F18** Words inserted by Criminal Justice (Amendment) Act 1981 (c. 27, SIF 82), **s. 1(1)(4)**
- F19** S. 8(2A)(2B) inserted by Criminal Justice (Amendment) Act 1981 (c. 27, SIF 82), **s. 1(2)(4)**
- F20** Words substituted by virtue of Broadcasting Act 1990 (c. 42, SIF 96), ss. 4(6), 87(6), 203(1), **Sch. 20 para. 29(1)(b)** and Cable and Broadcasting Act 1984 (c. 46, SIF 96), s. 57(1), **Sch. 5 para. 37(2)**
- F21** Words substituted by virtue of Cable and Broadcasting Act 1984 (c. 46, SIF 96), s. 57(1), **Sch. 5 para. 37(2)** and by Broadcasting Act 1990 (c. 42, SIF 96), ss. 4(6), 87(6), 203(1), **Sch. 20 para. 29(1)(c)**
- F22** Words substituted by virtue of Cable and Broadcasting Act 1984 (c. 46, SIF 96), s. 57(1), **Sch. 5 para. 37(2)** and by Broadcasting Act 1990 (c. 42, SIF 96), ss. 4(6), 87(6), 203(1), **Sch. 20 para. 29(1)(b)**
- F23** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37, 82), s. 125(3), **Sch. 18 para. 25(5)**
- F24** S. 8(4)(i) substituted (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 13**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)
- F25** Words substituted by virtue of Cable and Broadcasting Act 1984 (c. 46, SIF 96), s. 57(1), **Sch. 5 para. 37(2)** and Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 29(1)(b)**
- F26** S. 8(5)(c) substituted (for para. (c) and the para. (d) inserted by Cable and Broadcasting Act 1984 (c. 46, SIF 96), s. 57(1), **Sch. 5 para. 37(4)**) by virtue of Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 29(1)(d)**
- F27** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G**
- F28** Words substituted by virtue of Cable and Broadcasting Act 1984 (c. 46, SIF 96), s. 57(1), **Sch. 5 para. 37(2)** and Broadcasting Act 1990 (c. 42, SIF 96), ss. 4(6), 87(6), 203(1), **Sch. 20 para. 29(1)(b)**
- F29** S. 8(9) repealed by Contempt of Court Act 1981 (c. 49, SIF 39:3), **s. 4(4)**
- F30** Definition of "broadcast" repealed by Broadcasting Act 1990 (c. 42, SIF 96), ss. 4(6), 87(6), 203(1)(3), **Sch. 20 para. 29(1)(e), Sch. 21**
- F31** Definition of "cable programme" inserted by Cable and Broadcasting Act 1984 (c. 46, SIF 96), s. 57(1), **Sch. 5 para. 37(5)** and repealed by Broadcasting Act 1990 (c. 42, SIF 96), ss. 4(6), 87(6), 203(1)(3), **Sch. 20 para. 29(1)(e), Sch. 21**
- F32** Definition of "relevant programme" inserted by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1), **Sch. 20, para. 29(1)(e)**

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