



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART IV

#### WITNESSES AND EVIDENCE

##### *Evidence in criminal cases*

<sup>F1</sup>102 .....

#### Textual Amendments

<sup>F1</sup> S. 102 repealed (4.7.1996, with effect as mentioned in Sch. 1 Pt. III para. 39 of the repealing Act) by 1996 c. 25, ss. 47, 80, Sch. 1 Pt I para. 9, Sch. 5 table10 (with s. 78(1)); S.I. 1997/683, art. 1(2)

<sup>F2</sup>103 **Evidence of persons under 14 in committal proceedings for assault, sexual offences etc.**

<sup>F3</sup><sup>F4</sup>(1) In any proceedings before a magistrates' court inquiring as examining justices into an offence to which this section applies, a statement made in writing by or taken in writing from a child shall be admissible in evidence of any matter.]

(2) This section applies—

- (a) to an offence which involves an assault, or injury or a threat of injury to, a person;
- (b) to an offence under section 1 of the <sup>M1</sup>Children and Young Persons Act 1933 (cruelty to persons under 16);
- (c) to an offence under the <sup>M2</sup>Sexual Offences Act 1956, <sup>F5</sup> . . . <sup>M3</sup>the Protection of Children Act 1978 [<sup>F6</sup>or Part 1 of the Sexual Offences Act 2003] ; and
- (d) to an offence which consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, an offence falling within paragraph (a), (b) or (c) above.

**Changes to legislation:** Magistrates' Courts Act 1980, Cross Heading: Evidence in criminal cases is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

<sup>F7</sup>(3) .....

<sup>F7</sup>(4) .....

[<sup>F8</sup>(5) In this section “child” has the same meaning as in section 53 of the Criminal Justice Act 1991.]]]

#### Textual Amendments

- F2** S. 103 substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 33, 123(6), [Sch. 8 para. 16](#)
- F3** S. 103 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s.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\(6\)\(b\)](#); [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](#))
- F4** S. 103(1) 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. 10\(2\)](#) (with s. 78(1)); [S.I. 1997/683](#), [art. 1\(2\)](#)
- F5** Words in s. 103(2)(c) repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), ss. 140, 141, [Sch. 7](#); [S.I. 2004/874](#), [art. 2](#)
- F6** Words in s. 103(2)(c) inserted (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), ss. 139, 141, [Sch. 6 para. 26\(2\)](#); [S.I. 2004/874](#), [art. 2](#)
- F7** S. 103(3)(4) repealed (4.7.1996, with effect as mentioned in [Sch. 1 Pt. III para. 39](#) of the repealing Act) by [1996 c. 25](#), ss. 47, 80, [Sch. 1 Pt. I para. 10\(3\)](#), [Sch. 5](#) table10 (with s. 78(1)); [S.I. 1997/683](#), [art. 1\(2\)](#)
- F8** S. 103(5) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 55(1); [S.I. 1992/333](#), [art. 2\(2\)](#), [Sch. 2](#)

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

- C1** S. 103(2)(d) modified (1.10.2008) by [Serious Crimes Act 2007 \(c. 27\)](#), ss. 63(1), 94, [Sch. 6 para. 5\(b\)](#) (with [Sch. 13 para. 5](#)); [S.I. 2008/2504](#), [art. 2\(a\)\(g\)](#)

#### Marginal Citations

- M1** [1933 c. 12 \(20\)](#).
- M2** [1956 c. 69](#)
- M3** [1978 c. 37](#)

## 104 Proof of previous convictions.

Where a person is convicted of a summary offence by a magistrates' court, other than a [<sup>F9</sup>youth court], and—

- (a) it is proved to the satisfaction of the court, on oath or in such other manner as may be prescribed, that not less than 7 days previously a notice was served on the accused in the prescribed form and manner specifying any alleged previous conviction of the accused of a summary offence proposed to be brought to the notice of the court in the event of his conviction of the offence charged; and
- (b) the accused is not present in person before the court,
- the court may take account of any such previous conviction so specified as if the accused had appeared and admitted it.

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**Textual Amendments**

**F9** Words in s. 104 substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11 para. 40\(2\)\(n\)](#); [S.I. 1992/333](#), art. 2(2), [Sch.2](#)

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

**C2** [S. 104](#) restricted (1.9.1998) by [1988 c. 53, s. 13\(3A\)\(3B\)](#) (as inserted (1.9.1998)) by [1998 c. 15, s. 2\(1\)](#); [S.I. 1998/1837](#), [art.2](#) (with transitional savings in [art. 3](#))

**F10** **105** .....

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**Textual Amendments**

**F10** [S. 105](#) repealed (4.7.1996, with effect as mentioned in [Sch. 1 Pt. III para. 39](#) of the repealing Act) by [1996 c. 25, ss. 47, 80, Sch. 1 Pt. I para. 11](#), [Sch. 5 table10](#) (with s. 78(1)); [S.I. 1997/683](#), [art. 1\(2\)](#)

**Changes to legislation:**

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**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