



# 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 [<sup>F1</sup>or determine under that section at a hearing at which the offender is not present whether to issue a warrant of commitment] 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.

*Status: Point in time view as at 14/10/1991.*

*Changes to legislation: Magistrates' Courts Act 1980, Cross Heading: Constitution and place of sitting of magistrates' courts is up to date with all changes known to be in force on or before 26 May 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)*

- (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, 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 [<sup>F2</sup>family proceedings].

#### Textual Amendments

- F1** Words inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 61(6), 123(6), **Sch. 8 para. 16**
- F2** Words in 121(8) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), ss. 92, 108(6), **Sch. 11 Pt. II para. 8(c)** (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, **art. 3(2)**

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

- C1** S. 121(1)(3)(a) applied (with modifications) (1.4.1997) by S.I. 1997/704, **rule 5(1)(3)(4)(g)**

**Status:**

Point in time view as at 14/10/1991.

**Changes to legislation:**

Magistrates' Courts Act 1980, Cross Heading: Constitution and place of sitting of magistrates' courts is up to date with all changes known to be in force on or before 26 May 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.