



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART I

CRIMINAL JURISDICTION AND PROCEDURE

Summary trial of information

11 Non-appearance of accused: general provisions.

- (1) Subject to the provisions of this Act, where at the time and place appointed for the trial or adjourned trial of an information the prosecutor appears but the accused does not,
- [^{F1}(a) if the accused is under 18 years of age, the court may proceed in his absence; and
 - (b) if the accused has attained the age of 18 years, the court shall proceed in his absence unless it appears to the court to be contrary to the interests of justice to do so.

This is subject to subsections (2), (2A), (3) [^{F2}, (4) and (8)] .]

- (2) Where a summons has been issued, the court shall not begin to try the information in the absence of the accused unless either it is proved to the satisfaction of the court, on oath or in such other manner as may be prescribed, that the summons was served on the accused within what appears to the court to be a reasonable time before the trial or adjourned trial or the accused has appeared on a previous occasion to answer to the information.

[^{F3}(2A) The court shall not proceed in the absence of the accused if it considers that there is an acceptable reason for his failure to appear.]

- (3) [^{F4}In proceedings to which this subsection applies, the court.] shall not in a person's absence sentence him to imprisonment or detention in a detention centre or make [^{F5}a [^{F6}detention and training order] or] an order under [^{F7}paragraph 13(1)(a) or (b) of Schedule 16 to the Sentencing Code] that a suspended sentence passed on him shall take effect.

Changes to legislation: Magistrates' Courts Act 1980, Section 11 is up to date with all changes known to be in force on or before 17 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

- [^{F8}(3A) But where a sentence or order of a kind mentioned in subsection (3) is imposed or given in the absence of the offender, the offender must be brought before the court before being taken to a prison or other institution to begin serving his sentence (and the sentence or order is not to be regarded as taking effect until he is brought before the court).]
- (4) [^{F4}In proceedings to which this subsection applies, the court.] shall not in a person's absence impose any disqualification on him, except on resumption of the hearing after an adjournment under section 10(3) above; and where a trial is adjourned in pursuance of this subsection the notice required by section 10(2) above shall include notice of the reason for the adjournment.
- [^{F9}(5) Subsections (3) and (4) apply to—
- (a) proceedings instituted by an information, where a summons has been issued; and
 - (b) proceedings instituted by a written charge.
- [Subsection (4) does not apply in relation to proceedings adjourned under
- ^{F10}(5A) section 16C(3)(a) because of section 16C(2) (adjournment of a section 16A trial because the accused indicates a wish to make representations).]
- (6) Nothing in this section requires the court to enquire into the reasons for the accused's failure to appear before deciding whether to proceed in his absence.
- (7) The court shall state in open court its reasons for not proceeding under this section in the absence of an accused who has attained the age of 18 years; and the court shall cause those reasons to be entered in its register of proceedings.]
- [^{F11}(8) This section and sections 12 to 16 do not apply if and for so long as a written charge is to be tried by a magistrates' court in accordance with section 16A.]

Textual Amendments

- F1** Words in s. 11(1) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 54\(2\)](#), 153; [S.I. 2008/1586](#), [art. 2\(1\)\(3\)](#), Sch. 1 para. 28 (subject to Sch. 2)
- F2** Words in s. 11(1) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 48\(2\)\(a\)](#), 95(1); [S.I. 2015/778](#), [art. 3](#), Sch. 1 para. 39
- F3** S. 11(2A) inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 54\(3\)](#), 153; [S.I. 2008/1586](#), [art. 2\(1\)\(3\)](#), Sch. 1 para. 28 (subject to Sch. 2)
- F4** Words in s. 11(3)(4) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 54\(4\)](#), 153; [S.I. 2008/1586](#), [art. 2\(1\)\(3\)](#), Sch. 1 para. 28 (subject to Sch. 2)
- F5** Words in s. 11(3) inserted (1.3.1998) by 1994 c. 33, s. 168(2), [Sch. 10 para. 39](#); [S.I. 1998/277](#), [art. 3](#)
- F6** Words in s. 11(3) substituted (1.4.2000) by 1998 c. 37, s. 119, [Sch. 8 para. 39](#); [S.I. 1999/3426](#), [art. 3\(b\)](#)
- F7** Words in s. 11(3) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 43](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F8** S. 11(3A) inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 54\(5\)](#), 153; [S.I. 2008/1586](#), [art. 2\(1\)\(3\)](#), Sch. 1 para. 28 (subject to Sch. 2)
- F9** S. 11(5) inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 54\(6\)](#), 153; [S.I. 2008/1586](#), [art. 2\(1\)\(3\)](#), Sch. 1 para. 28 (subject to Sch. 2)
- F10** S. 11(5A) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 11 para. 4](#); [S.I. 2015/778](#), [art. 3](#), Sch. 1 para. 77
- F11** S. 11(8) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 48\(2\)\(b\)](#), 95(1); [S.I. 2015/778](#), [art. 3](#), Sch. 1 para. 39

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Modifications etc. (not altering text)

- C1** S. 11(1) applied (25.8.2000) by 2000 c. 6, **ss. 2(5)**, 168(1)
- C2** S. 11(1) applied (1.12.2020) by Sentencing Act 2020 (c. 17), **ss. 6(6)**, 416(1) (with ss. 2, 398(1), 406, Sch. 27); S.I. 2020/1236, reg. 2

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Changes and effects yet to be applied to :

- s. 11 by 2000 c. 43 Sch. 8
- s. 11(3) by 2000 c. 43 Sch. 7 para. 59
- s. 11(5) words inserted by 2022 c. 35 Sch. 2 para. 5

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