



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART VII

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Process*

#### **123 Defect in process.**

- (1) No objection shall be allowed to any information or complaint, or to any summons or warrant to procure the presence of the defendant, for any defect in it in substance or in form, or for any variance between it and the evidence adduced on behalf of the prosecutor or complainant at the hearing of the information or complaint.
- (2) If it appears to a magistrates' court that any variance between a summons or warrant and the evidence adduced on behalf of the prosecutor or complainant is such that the defendant has been misled by the variance, the court shall, on the application of the defendant, adjourn the hearing.

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

- C1** S. 123 applied (with modifications) (1.4.1997) by [S.I. 1997/704](#), [rule 5\(1\)\(3\)\(4\)\(h\)\(6\)](#)
- C2** S. 123 applied (with modifications) by S.I. 2010/60, rule 62.16 (as substituted (4.4.2011) by [The Criminal Procedure \(Amendment No. 2\) Rules 2010](#) (S.I. 2010/3026), rules 1, 9, [Sch. 2](#))
- C3** S. 123 modified (3.10.2011) by [The Criminal Procedure Rules 2011](#) (S.I. 2011/1709), [rule 62.16\(3\)\(f\)](#)
- C4** S. 123 modified (1.10.2012) by [The Criminal Procedure Rules 2012](#) (S.I. 2012/1726), [rule 62.16\(2\)\(3\)\(f\)](#)
- C5** S. 123 modified (7.10.2013) by [The Criminal Procedure Rules 2013](#) (S.I. 2013/1554), [rule 62.16\(2\)\(3\)\(f\)](#) (with [rule 2.1](#))
- C6** S. 123 modified (6.10.2014) by [The Criminal Procedure Rules 2014](#) (S.I. 2014/1610), [rule 62.16\(2\)\(3\)\(f\)](#) (with [rule 2.1](#))

**Status:**

Point in time view as at 06/10/2014. This version of this provision has been superseded.

**Changes to legislation:**

Magistrates' Courts Act 1980, Section 123 is up to date with all changes known to be in force on or before 25 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.