



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART I

CRIMINAL JURISDICTION AND PROCEDURE

Summary trial of information

13 Non-appearance of accused: issue of warrant.

- (1) Subject to the provisions of this section, where the court, instead of proceeding in the absence of the accused, adjourns or further adjourns the trial, the court may, if the information has been substantiated on oath, issue a warrant for his arrest.
- (2) Where a summons has been issued, the court shall not issue a warrant under this section 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.
- (3) A warrant for the arrest of any person who has attained [^{F1}the age of 18 years] shall not be issued under this section unless—
 - (a) the offence to which the warrant relates is punishable with imprisonment; or
 - (b) the court, having convicted the accused, proposes to impose a disqualification on him.
- [^{F2}(4) This section shall not apply to an adjournment on the occasion of the accused's conviction in his absence under subsection (5) of section 12 above or to an adjournment required by subsection (9) of that section.]
- (5) Where the court adjourns the trial—
 - (a) after having, either on that or on a previous occasion, received any evidence or convicted the accused without hearing evidence on his pleading guilty under section 9(3) above; or

Status: Point in time view as at 04/09/1995. This version of this provision has been superseded.

Changes to legislation: Magistrates' Courts Act 1980, Section 13 is up to date with all changes known to be in force on or before 22 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)

(b) after having on a previous occasion convicted the accused without hearing evidence on his pleading guilty under section [F312(5)] above,
the court shall not issue a warrant under this section unless it thinks it undesirable, by reason of the gravity of the offence, to continue the trial in the absence of the accused.

Textual Amendments

- F1** Words in s. 13(3) 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**
- F2** S. 13(4) substituted (4.9.1995) by 1994 c. 33, s. 45, **Sch. 5 para. 3(2)**; S.I. 1995/1957, **art.4**
- F3** Words in s. 13(5) substituted (4.9.1995) by 1994 c. 33, s. 45, **Sch. 5 para. 3(3)**; S.I. 1995/1957, **art.4**

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