



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART VII

MISCELLANEOUS AND SUPPLEMENTARY

Power to rectify mistakes etc.

142 Power of magistrates' court to re-open cases to rectify mistakes etc.

- (1) Subject to subsection (4) below, a magistrates' court may vary or rescind a sentence or other order imposed or made by it when dealing with an offender; and it is hereby declared that this power extends to replacing a sentence or order which for any reason appears to be invalid by another which the court has power to impose or make.
- (2) Where a person is found guilty by a magistrates' court in a case in which he has pleaded not guilty or the court has proceeded in his absence under section 11(1) above, and it subsequently appears to the court that it would be in the interests of justice that the case should be heard again by different justices, the court may, subject to subsection (4) below, so direct
- (3) Where a court gives a direction under subsection (2) above—
 - (a) the finding of guilty and any sentence or other order imposed or made in consequence thereof shall be of no effect; and
 - (b) section 10(4) above shall apply as if the trial of the person in question had been adjourned.
- (4) The powers conferred by subsections (1) and (2) above shall be exercisable only within the period of 28 days beginning with the day on which the sentence or order was imposed or made or the person was found guilty, as the case may be, and only—
 - (a) by a court constituted in the same manner as the court by which the sentence or order was imposed or made or, as the case may be, by which the person in question was found guilty, or
 - (b) where that court comprised 3 or more justices of the peace, by a court which consists of or comprises a majority of those justices.

Status: This is the original version (as it was originally enacted).

- (5) Where a sentence or order is varied under subsection (1) above, the sentence or other order, as so varied, shall take effect from the beginning of the day on which it was originally imposed or made, unless the court otherwise directs.