



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART I

CRIMINAL JURISDICTION AND PROCEDURE

Committal proceedings

4 General nature of committal proceedings

- (1) The functions of examining justices may be discharged by a single justice.
- (2) Examining justices shall sit in open court except where any enactment contains an express provision to the contrary and except where it appears to them as respects the whole or any part of committal proceedings that the ends of justice would not be served by their sitting in open court.
- (3) Subject to subsection (4) below and section 102 below, evidence given before examining justices shall be given in the presence of the accused, and the defence shall be at liberty to put questions to any witness at the inquiry.
- (4) Examining justices may allow evidence to be given before them in the absence of the accused if—
 - (a) they consider that by reason of his disorderly conduct before them it is not practicable for the evidence to be given in his presence, or
 - (b) he cannot be present for reasons of health but is represented by counsel or a solicitor and has consented to the evidence being given in his absence.