



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART VI

MAGISTRATES' COURTS

48 Non-appearance of accused: issue of warrant

- (1) Section 13 of the Magistrates' Courts Act 1980 (non-appearance of accused: issue of warrant) shall be amended as follows.
- (2) In subsection (2) (no warrant where summons has been issued unless certain conditions fulfilled) for the words from “unless” to the end of the subsection there shall be substituted “unless the condition in subsection (2A) below or that in subsection (2B) below is fulfilled”.
- (3) The following subsections shall be inserted after subsection (2)—
 - “(2A) The condition in this subsection is that 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.
 - (2B) The condition in this subsection is that—
 - (a) the adjournment now being made is a second or subsequent adjournment of the trial,
 - (b) the accused was present on the last (or only) occasion when the trial was adjourned, and
 - (c) on that occasion the court determined the time for the hearing at which the adjournment is now being made.”
- (4) This section applies where the court proposes to issue a warrant under section 13 on or after the appointed day.

Status: This is the original version (as it was originally enacted).

- (5) The reference in subsection (4) to the appointed day is to such day as is appointed for the purposes of this section by the Secretary of State by order.