



# 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 <sup>M1</sup>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.

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**Changes to legislation:** *Criminal Procedure and Investigations Act 1996, Section 48 is up to date with all changes known to be in force on or before 11 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) View outstanding changes*

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(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.

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**Subordinate Legislation Made**

**P1** [S. 48\(5\)](#) power wholly exercised (7.9.1996): 1.10.1996 appointed day by [S.I. 1996/2343](#).

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**Marginal Citations**

**M1** [1980 c. 43](#).

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(6) added by [1997 c. 39 s. 9\(4\)](#)
- s. 5(1A) amendment to earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 8 by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(i\)](#)
- s. 5(1A) inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 8](#)
- s. 5(1A) words substituted in earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 8(1) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(ii\)](#)
- s. 13(1)(ba)(b) substituted for s. 13(1)(b) by 2015 c. 9 (N.I.), Sch. 2 para. 8(2) (as inserted) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(iii\)](#)
- Sch. 4 para. 4(f) and word added by [S.I. 2003/1247 \(N.I.\) Sch. 1 para. 16](#)