



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART III

SATISFACTION AND ENFORCEMENT

General provisions

75 Power to dispense with immediate payment.

- (1) A magistrates' court by whose conviction or order a sum is adjudged to be paid may, instead of requiring immediate payment, allow time for payment, or order payment by instalments.
- (2) Where a magistrates' court has allowed time for payment, the court may, on application by or on behalf of the person liable to make the payment, allow further time or order payment by instalments.

^{F1}(2A)

^{F1}(2B)

^{F1}(2C)

- (3) Where a court has ordered payment by instalments and default is made in the payment of any one instalment, proceedings may be taken as if the default had been made in the payment of all the instalments then unpaid.

Textual Amendments

- F1** S. 75(2A)-(2C) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 48](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Changes to legislation: Magistrates' Courts Act 1980, Cross Heading: General provisions is up to date with all changes known to be in force on or before 19 April 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

Modifications etc. (not altering text)

- C1** S. 75 extended (with modifications) by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), ss. 24(6), 30, [Sch. 3 Pt. I para. 2\(3\)](#)

76 Enforcement of sums adjudged to be paid.

- (1) Subject to the following provisions of this Part of this Act, and to section 132 below ^{F2}, where default is made in paying a sum adjudged to be paid by a conviction or order of a magistrates' court, the court may [^{F3}issue a warrant of control for the purpose of recovering the sum] or issue a warrant committing the defaulter to prison.
- (2) A warrant of commitment may be issued as aforesaid either—
 - (a) where it appears on the return to a [^{F4}warrant of control] that the money and goods of the defaulter are insufficient to [^{F5}pay the amount outstanding, as defined by paragraph 50(3) of Schedule 12 to the Tribunals, Courts and Enforcement Act 2007] ; or
 - (b) instead of a [^{F6}warrant of control] .
- (3) The period for which a person may be committed to prison under such a warrant as aforesaid shall not, subject to the provisions of any enactment passed after 31st December 1879, exceed the period applicable to the case under Schedule 4 to this Act.

^{F7}(4)

^{F7}(5)

^{F7}(6)

Textual Amendments

- F2** Words repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 78, [Sch. 16](#)
- F3** Words in s. 76(1) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 46\(2\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F4** Words in s. 76(2)(a) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 46\(3\)\(a\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F5** Words in s. 76(2)(a) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 46\(3\)\(b\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F6** Words in s. 76(2)(b) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 46\(4\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F7** S. 76(4)-(6) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 49\(a\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Modifications etc. (not altering text)

- C2** S. 76 modified (1.4.1992) by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 49:3\)](#), s. 5(5B) (which was inserted (1.4.1992) by [Maintenance Enforcement Act 1991 \(c. 17, SIF 49:3\)](#), s. 10, [Sch. 1 para. 21\(2\)](#); S.I. 1992/455, art.2).
- C3** S. 76 applied (with modifications) (18.6.2011) by [The Civil Jurisdiction and Judgments \(Maintenance\) Regulations 2011 \(S.I. 2011/1484\)](#), reg. 1(1), Sch. 1 paras. 4(6)(a), 6(7)(a)

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77 Postponement of issue of warrant.

- (1) Where a magistrates' court has power to issue a [^{F8}warrant of control] under this Part of this Act, it may, if it thinks it expedient to do so, postpone the issue of the warrant until such time and on such conditions, if any, as the court thinks just.
- (2) Where a magistrates' court has power to issue a warrant of commitment under this Part of this Act, it may, if it thinks it expedient to do so, fix a term of imprisonment [^{F9}or detention under [^{F10}section 108 of the powers of Criminal Courts (Sentencing) Act 2000] (detention of persons aged [^{F10}18] to 20 for default)] and postpone the issue of the warrant until such time and on such conditions, if any, as the court thinks just.
- [^{F11}(3) A magistrates' court shall have power at any time to do either or both of the following—
 - (a) to direct that the issue of the warrant of commitment shall be postponed until a time different from that to which it was previously postponed;
 - (b) to vary any of the conditions on which its issue is postponed,but only if it thinks it just to do so having regard to a change of circumstances since the relevant time.
- (4) In this section “the relevant time” means—
 - (a) where neither of the powers conferred by subsection (3) above has been exercised previously, the date when the issue of the warrant was postponed under subsection (2) above; and
 - (b) in any other case, the date of the exercise or latest exercise of either or both of the powers.
- (5) Without prejudice to the generality of subsection (3) above, if on an application by a person in respect of whom issue of a warrant has been postponed it appears to a justice of the peace acting [^{F12}in the local justice] area in which the warrant has been or would have been issued that since the relevant time there has been a change of circumstances which would make it just for the court to exercise one or other or both of the powers conferred by that subsection, he shall refer the application to the court.
- [^{F13}(6) Where such an application is referred to the court—
 - (a) the ^{F14}... court shall fix a time and place for the application to be heard; and
 - (b) the designated officer for the court shall give the applicant notice of that time and place.]
 - (7) Where such a notice has been given but the applicant does not appear at the time and place specified in the notice, the court may proceed with the consideration of the application in his absence.
 - (8) If a warrant of commitment in respect of the sum adjudged to be paid has been issued before the hearing of the application, the court shall have power to order that the warrant shall cease to have effect and, if the applicant has been arrested in pursuance of it, to order that he shall be released, but it shall only make an order under this subsection if it is satisfied that the change of circumstances on which the applicant relies was not put before the court when it was determining whether to issue the warrant.]

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Textual Amendments

- F8** Words in s. 77(1) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 47](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F9** Words inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, [Sch. 14 para. 50](#)
- F10** Words in s. 77(2) substituted (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), [Sch. 9 para. 66](#) (which Sch. 9 para. 66 of the amending Act is repealed (*prosp.*) by [2000 c. 43](#), ss. 74, 75, 80(1), Sch. 7 Pt. II para. 203(2), [Sch. 8](#))
- F11** S. 77(3)–(8) added (E.W.) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 61(1)(2), 123(6), [Sch. 8 para. 16](#)
- F12** Words in s. 77(5) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 218\(2\)](#); S.I. 2005/910, art. 3(y)
- F13** S. 77(6) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 218\(3\)](#); S.I. 2005/910, art. 3(y)
- F14** Words in s. 77(6)(a) omitted (6.4.2020) by virtue of [Courts and Tribunals \(Judiciary and Functions of Staff\) Act 2018 \(c. 33\)](#), s. 4(3), [Sch. para. 6](#); S.I. 2020/24, reg. 3(b)

Modifications etc. (not altering text)

- C4** S. 77(1) extended by [S.I. 1985/215](#), [art. 4\(3\)](#), 1985/313, art. 4(3), 1985/487, art. 5(3), 1986/110, art. 4(3), 1986/250, art. 5(3), 1986/779, art. 3(3), 1986/2090, art. 5(3), 1987/213, art. 4(3), 1987/292, art. 3(3)
- C5** S. 77(1) applied: by [S.I. 1990/137](#), [art. 5\(3\)](#); by [S.I. 1991/138](#), [art. 5\(3\)](#); by [S.I. 1991/139](#), [reg. 7\(3\)](#); by [S.I. 1991/522](#), [art. 3\(3\)](#); (31.1.1992) by [S.I. 1992/130](#), [reg. 8\(3\)](#); (8.2.1992) by [S.I. 1992/190](#), [art. 5\(3\)](#); (27.2.1993) by [S.I. 1993/387](#), [art. 5\(3\)](#); (5.5.1993) by [S.I. 1993/1197](#), [art. 3\(3\)](#); (1.9.1993) by [S.I. 1993/2015](#), [art. 6\(3\)](#) and [S.I. 1993/2016](#), [art. 5\(3\)](#); (22.3.1994) by [S.I. 1994/451](#), [art. 5\(3\)](#); (15.7.1994) by [S.I. 1994/1679](#), [art. 5\(3\)](#) and [S.I. 1994/1681](#), [art. 4\(3\)](#); (18.4.1995) by [S.I. 1995/907](#), [art. 4\(3\)](#) and [S.I. 1995/908](#), [art. 5\(3\)](#); (29.2.1996) by [S.I. 1996/247](#), [art. 5\(3\)](#); (24.4.1996) by [S.I. 1996/1036](#), [art. 5\(3\)](#); (9.4.1997) by [S.I. 1997/883](#), [art. 5\(3\)](#); (12.8.1997) by [S.I. 1997/1949](#), [art. 5\(3\)](#); (14.3.1998) by [S.I. 1998/268](#), [art. 5\(3\)](#); (18.3.1999) by [S.I. 1999/424](#), [art. 5\(3\)](#); (8.2.2000) by [S.I. 2000/51](#), [art. 5\(2\)](#); (21.2.2000) by [S.I. 2000/181](#), [art. 5\(2\)](#); (25.2.2000) by [S.I. 2000/435](#), [art. 5\(2\)](#); (W.)(18.3.2000) by [S.I. 2000/976](#), [art. 5\(2\)](#); (W.)(1.4.2000) by [S.I. 2000/1075](#), [art. 5\(2\)](#); (W.)(7.4.2000) by [S.I. 2000/1078](#), [art. 6\(2\)](#); (11.4.2000) by [S.I. 2000/827](#), [art. 5\(2\)](#); (W.)(11.4.2000) by [S.I. 2000/1096](#), [art. 5\(2\)](#); (15.4.2000) by [S.I. 2000/1081](#), [art. 5\(2\)](#); (24.7.2000) by [S.I. 2000/1843](#), [art. 6\(2\)](#); (W.)(24.7.2000) by [S.I. 2000/2230](#), [art. 5\(2\)](#); S. 77(1) applied (29.5.2001) by [S.I. 2001/1631](#), [art. 5\(2\)](#) (which was revoked (8.3.2002) by [S.I. 2002/272](#), [art. 13](#)); S. 77(1) applied (8.3.2002) by [S.I. 2002/272](#), [art. 5\(2\)](#)
- C6** S. 77(1) applied (8.2.2003) by [The Sea Fishing \(Restriction on Days at Sea\) Order 2003 \(S.I. 2003/229\)](#), [art. 13\(2\)](#)
- S. 77(1) applied (7.7.2003) by [The Sea Fishing \(Restriction on Days at Sea\)\(No. 2\) Order 2003 \(S.I. 2003/1535\)](#), {art. 13(2)}
- S. 77(1) applied (E.) (26.5.2004) by [The Sea Fishing \(Enforcement of Community Quota and Third Country Fishing Measures\)\(England\) Order 2004 \(S.I. 2004/1237\)](#), {art. 6(2)}
- S. 77(1) applied (E.) (1.1.2005) by [The Sea Fishing \(Enforcement of Community Satellite Monitoring Measures\) Order 2004 \(S.I. 2004/3226\)](#), [art. 16\(2\)](#)
- S. 77(1) applied (E.) (2.2.2005) by [The Incidental Catches of Cetaceans in Fisheries \(England\) Order 2005 \(S.I. 2005/17\)](#), [art. 6\(2\)](#) (subject to art. 1(3))
- S. 77(1) applied (E.) (28.2.2005) by [The Sea Fishing \(Restriction on Days at Sea\) Order 2005 \(S.I. 2005/393\)](#), [art. 24\(2\)](#) (subject to art. 1(3))
- S. 77(1) applied (1.6.2006) by [The Sea Fishing \(Restriction on Days at Sea\)\(Monitoring, Inspection and Surveillance\) Order 2006 \(S.I. 2006/1327\)](#), {art. 23(2)}
- S. 77(1) applied (W.) (7.7.2006) by [The Sea Fishing \(Northern Hake Stock\)\(Wales\) Order 2006 \(S.I. 2006/1796\)](#), {art. 10(2)}

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- S. 77(1) applied (10.7.2006) by The Sea Fishing (Marking and Identification of Passive Fishing Gear and Beam Trawls)(England) Order 2006 (S.I. 2006/1549), {art. 6(2)}
- S. 77(1) applied (15.8.2006) by The Sea Fishing (Enforcement of Annual Community and Third Country Fishing Measures)(England) Order 2006 (S.I. 2006/1970), {art. 11(2)}
- S. 77(1) applied (20.4.2007) by The Sea Fishing (Restriction on Days at Sea) Order 2007 (S.I. 2007/927), **art. 18(2)**
- S. 77(1) applied (1.10.2007) by The Sea Fishing (Prohibition on the Removal of Shark Fins) Order 2007 (S.I. 2007/2554), **art. 6(2)**
- C7** S. 77(1) applied (30.9.2008) by The Sea Fishing (Recovery Measures) Order 2008 (S.I. 2008/2347), **art. 12(2)**
- C8** S. 77(1) applied (12.8.2009) by The Sea Fishing (Landing and Weighing of Herring, Mackerel and Horse Mackerel) Order 2009 (S.I. 2009/1850), **art. 10(2)**
- C9** S. 77(1) applied (25.1.2010) by Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order 2009 (S.I. 2009/3391), arts. 1, **11(2)** (with art. 2(1))
- C10** S. 77(1) applied (6.3.2015) by The Sea Fishing (Enforcement and Miscellaneous Provisions) Order 2015 (S.I. 2015/191), arts. 1(1), **3(3)**

78 Defect in distress warrant and irregularity in its execution.

- (1) A warrant of distress issued for the purpose of levying a sum adjudged to be paid by the conviction or order of a magistrates' court shall not, if it states that the sum has been so adjudged to be paid, be held void by reason of any defect in the warrant.
- (2) A person acting under a warrant of distress shall not be deemed to be a trespasser from the beginning by reason only of any irregularity in the execution of the warrant.
- (3) Nothing in this section shall prejudice the claim of any person for special damages in respect of any loss caused by a defect in the warrant or irregularity in its execution.
- (4) If any person removes any goods marked in accordance with [^{F15}rules of court] as articles impounded in the execution of a warrant of distress, or defaces or removes any such mark, he shall be liable on summary conviction to a fine not exceeding [^{F16}level 1 on the standard scale].
- (5) If any person charged with the execution of a warrant of distress wilfully retains from the proceeds of a sale of the goods on which distress is levied, or otherwise exacts, any greater costs and charges than those properly payable, or makes any improper charge, he shall be liable on summary conviction to a fine not exceeding [^{F16}level 1 on the standard scale].

Textual Amendments

F15 Words in s. 78(4) substituted (1.9.2004) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 219(a)**; S.I. 2004/2066, **art. 2(c)(xi)** (subject to art. 3)

F16 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**

Modifications etc. (not altering text)

C11 S. 78 extended by S.I. 1985/215, **art. 4(3)**, 1985/313, art. 4(3), 1985/487, art. 5(3), 1986/110, art. 4(3), 1986/250, art. 5(3), 1986/779, art. 3(3), 1986/2090, art. 5(3), 1987/213, art. 4(3), 1987/292, art. 3(3)

C12 S. 78 applied: by S.I. 1990/137, **art. 5(3)**; by S.I. 1991/138, **art. 5(3)**; by S.I. 1991/139, **reg. 7(3)**; by S.I. 1991/522, **art. 3(3)**; (31.1.1992) by S.I. 1992/130, **reg. 8(3)**; (8.2.1992) by S.I. 1992/190, **art. 5(3)**; (27.2.1993) by S.I. 1993/387, **art. 5(3)**; (5.5.1993) by S.I. 1993/1197, **art. 3(3)**; (1.9.1993) by S.I. 1993/2015, **art. 6(3)** and S.I. 1993/2016, **art. 5(3)**; (22.3.1994) by S.I. 1994/451, **art. 5(3)**;

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- (15.7.1994) by S.I. 1994/1679, [art. 5\(3\)](#) and S.I. 1994/1681, [art. 4\(3\)](#); (18.4.1995) by S.I. 1995/907, [art. 4\(3\)](#) and S.I. 1995/908, [art. 5\(3\)](#); (29.2.1996) by S.I. 1996/247, [art. 5\(3\)](#); (24.4.1996) by S.I. 1996/1036, [art. 5\(3\)](#); (9.4.1997) by S.I. 1997/883, [art. 5\(3\)](#); (12.8.1997) by S.I. 1997/1949, [art. 5\(3\)](#); (14.3.1998) by S.I. 1998/268, [art. 5\(3\)](#); (W.) (18.3.1999) by S.I. 1999/424, [art. 5\(3\)](#); (8.2.2000) by S.I. 2000/51, [art. 5\(2\)](#); (21.2.2000) by S.I. 2000/181, [art. 5\(2\)](#); (25.2.2000) by S.I. 2000/435, [art. 5\(2\)](#); (W.) (18.3.2000) by S.I. 2000/976, [art. 5\(2\)](#); (W.) (1.4.2000) by S.I. 2000/1075, [art. 5\(2\)](#); (W.) (7.4.2000) by S.I. 2000/1078, [art. 6\(2\)](#); (11.4.2000) by S.I. 2000/827, [art. 5\(2\)](#); (W.) (11.4.2000) by S.I. 2000/1096, [art. 5\(2\)](#); (15.4.2000) by S.I. 2000/1081, [art. 5\(2\)](#); (24.7.2000) by S.I. 2000/1843, [art. 6\(2\)](#); (W.) (24.7.2000) by S.I. 2000/2230, [art. 5\(2\)](#); S. 78 applied (29.5.2001) by S.I. 2001/1631, [art. 5\(2\)](#) (which was revoked (8.3.2002) by S.I. 2002/272 art. 13); s. 78 applied (8.2.2002) by S.I. 2002/272, [art. 5\(2\)](#)
- C13** S. 78 applied (8.2.2003) by [The Sea Fishing \(Restriction on Days at Sea\) Order 2003 \(S.I. 2003/229\), art. 13\(2\)](#)
- S. 78 applied (7.7.2003) by [The Sea Fishing \(Restriction on Days at Sea\)\(No. 2\) Order 2003 \(S.I. 2003/1535\)](#), {art. 13(2)}
- S. 78 applied (with modifications) (temp.) (23.2.2004 and 29.3.2004 for certain purposes, otherwise 5.4.2004 until 31.3.2006) by [The Fines Collection Regulations 2004 \(S.I. 2004/176\)](#), [regs. 1\(3\), 10](#) (with [reg. 3](#)) (as amended (30.3.2005) by S.I. 2005/484, [regs. 1\(1\)\(a\)\(2\), 2](#))
- S. 78 applied (E.) (26.5.2004) by [The Sea Fishing \(Enforcement of Community Quota and Third Country Fishing Measures\)\(England\) Order 2004 \(S.I. 2004/1237\)](#), {art. 6(2)}
- S. 78 applied (E.) (1.1.2005) by [The Sea Fishing \(Enforcement of Community Satellite Monitoring Measures\) Order 2004 \(S.I. 2004/3226\)](#), {art. 16(2)}
- S. 78 applied (E.) (2.2.2005) by [The Incidental Catches of Cetaceans in Fisheries \(England\) Order 2005 \(S.I. 2005/17\)](#), [art. 6\(2\)](#) (subject to [art. 1\(3\)](#))
- S. 78 applied (E.) (28.2.2005) by [The Sea Fishing \(Restriction on Days at Sea\) Order 2005 \(S.I. 2005/393\)](#), [art. 24\(2\)](#)
- S. 78 applied (1.6.2006) by [The Sea Fishing \(Restriction on Days at Sea\)\(Monitoring, Inspection and Surveillance\) Order 2006 \(S.I. 2006/1327\)](#), {art. 23(2)}
- S. 78 applied (W.) (7.7.2006) by [The Sea Fishing \(Northern Hake Stock\)\(Wales\) Order 2006 \(S.I. 2006/1796\)](#), {art. 10(2)}
- S. 78 applied (10.7.2006) by [The Sea Fishing \(Marking and Identification of Passive Fishing Gear and Beam Trawls\)\(England\) Order 2006 \(S.I. 2006/1549\)](#), {art. 6(2)}
- S. 78 applied (15.8.2006) by [The Sea Fishing \(Enforcement of Annual Community and Third Country Fishing Measures\)\(England\) Order 2006 \(S.I. 2006/1970\)](#), {art. 11(2)}
- S. 78 applied (20.4.2007) by [The Sea Fishing \(Restriction on Days at Sea\) Order 2007 \(S.I. 2007/927\)](#), [art. 18\(2\)](#)
- S. 78 applied (1.10.2007) by [The Sea Fishing \(Prohibition on the Removal of Shark Fins\) Order 2007 \(S.I. 2007/2554\)](#), [art. 6\(2\)](#)
- C14** S. 78 applied (30.9.2008) by [The Sea Fishing \(Recovery Measures\) Order 2008 \(S.I. 2008/2347\)](#), [art. 12\(2\)](#)
- C15** S. 78 applied (12.8.2009) by [The Sea Fishing \(Landing and Weighing of Herring, Mackerel and Horse Mackerel\) Order 2009 \(S.I. 2009/1850\)](#), [art. 10\(2\)](#)
- C16** S. 78 applied (25.1.2010) by [Sea Fishing \(Illegal, Unreported and Unregulated Fishing\) Order 2009 \(S.I. 2009/3391\)](#), [arts. 1, 11\(2\)](#) (with [art. 2\(1\)](#))
- C17** S. 78 applied (6.3.2015) by [The Sea Fishing \(Enforcement and Miscellaneous Provisions\) Order 2015 \(S.I. 2015/191\)](#), [arts. 1\(1\), 3\(3\)](#)

79 Release from custody and reduction of detention on payment.

- (1) Where imprisonment or other detention has been imposed on any person by the order of a magistrates' court in default of payment of any sum adjudged to be paid by the conviction or order of a magistrates' court or for want of sufficient [^{F17}goods] to satisfy

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such a sum, then, on the payment of the sum, together with the costs and charges, if any, of the commitment^{F18}, or (as the case may be) on the payment of the amount outstanding,] the order shall cease to have effect; and if the person has been committed to custody he shall be released unless he is in custody for some other cause.

(2) Where, after a period of imprisonment or other detention has been imposed on any person in default of payment of any sum adjudged to be paid by the conviction or order of a magistrates' court or for want of sufficient ^{F19}goods] to satisfy such a sum, payment is made in accordance with ^{F20}rules of court] of part of the sum, the period of detention shall be reduced by such number of days as bears to the total number of days in that period less one day the same proportion as the amount so paid bears ^{F21}—

- (a) to the amount outstanding at the time the period of detention was imposed, if the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods) had been used for recovering the sum;
- (b) otherwise, to so much of the sum as was due at that time.]

(3) In calculating the reduction required under subsection (2) above any fraction of a day shall be left out of account.

^{F22}(4) In this Act, references to want of sufficient goods to satisfy a sum of money are references to circumstances where—

- (a) a warrant of control has been issued for the sum to be recovered from a person, but
- (b) it appears on the return to the warrant that the person's money and goods are insufficient to pay the amount outstanding.

(5) In this section, “the amount outstanding” has the meaning given by paragraph 50(3) of Schedule 12 to the Tribunals, Courts and Enforcement Act 2007.]

Textual Amendments

- F17** Word in s. 79(1) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 148, Sch. 13 para. 48\(2\)\(a\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F18** Words in s. 79(1) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 148, Sch. 13 para. 48\(2\)\(b\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F19** Word in s. 79(2) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 148, Sch. 13 para. 48\(3\)\(a\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F20** Words in s. 79(2) substituted (1.9.2004) by [Courts Act 2003 \(c. 39\), ss. 109\(1\), 110, Sch. 8 para. 219\(b\)](#); S.I. 2004/2066, [art. 2\(c\)\(xi\)](#) (subject to art. 3)
- F21** Words in s. 79(2) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 148, Sch. 13 para. 48\(3\)\(b\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F22** S. 79(4)(5) inserted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 148, Sch. 13 para. 48\(4\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)

80 Application of money found on defaulter to satisfy sum adjudged.

- (1) Where a magistrates' court has adjudged a person to pay a sum by a conviction ^{F23}..., the court may order him to be searched.
- (2) Any money found on the arrest of a person adjudged to pay such a sum as aforesaid, or on a search as aforesaid, or on his being taken to a prison or other place of detention in default of payment of such a sum or for want of sufficient ^{F24}goods] to satisfy such

Changes to legislation: Magistrates' Courts Act 1980, Cross Heading: General provisions is up to date with all changes known to be in force on or before 19 April 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

a sum, may, unless the court otherwise directs, be applied towards payment of the said sum; and the balance, if any, shall be returned to him.

- (3) A magistrates' court shall not allow the application as aforesaid of any money found on a person if it is satisfied that the money does not belong to him or that the loss of the money would be more injurious to his family than would be his detention.

Textual Amendments

- F23** Words in s. 80(1) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 49\(b\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F24** Word in s. 80(2) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 49](#) (with s. 89); [S.I. 2014/768](#), art. 2(1)(b)

Modifications etc. (not altering text)

- C18** S. 80 applied by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), ss. 24(6), 30, [Sch. 3 Pt. I para. 2\(4\)](#)
 S. 80 applied (2.4.2001) by [1991 c. 48, s. 40B\(10\)](#) (as inserted (2.4.2001) by [2000 c. 19, s. 16\(3\)](#)), (with s. 86(3); [S.I. 2000/3354](#), [art. 2\(3\)](#))

Changes to legislation:

Magistrates' Courts Act 1980, Cross Heading: General provisions is up to date with all changes known to be in force on or before 19 April 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.

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

- Act applied by [2017 anaw 2 Sch. 3 para. 18\(5\)](#)

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

- s. 1(6A) inserted by [2003 c. 44 Sch. 36 para. 8\(5\)](#)
- s. 1(6A) words substituted by [2015 c. 2 Sch. 11 para. 3\(4\)](#) (Effect not applied as (6A) was only inserted prospectively.)
- s. 1(7A) inserted by [2003 c. 44 Sch. 36 para. 8\(6\)](#)
- s. 12(2A) inserted by [2022 c. 35 s. 4\(3\)](#)
- s. 12(5A)-(5F) inserted by [2022 c. 35 s. 4\(6\)](#)
- s. 17A(1A) inserted by [2022 c. 35 Sch. 2 para. 6\(2\)\(b\)](#)
- s. 17B(1A)-(1F) substituted for s. 17B(1) by [2022 c. 35 s. 9\(2\)\(b\)](#)
- s. 17B(5) inserted by [2022 c. 35 s. 9\(2\)\(d\)](#)
- s. 17BA inserted by [2022 c. 35 s. 7](#)
- s. 17ZA-17ZC inserted by [2022 c. 35 s. 6\(2\)](#)
- s. 18(1)-(1B) substituted for s. 18(1) by [2022 c. 35 Sch. 2 para. 6\(7\)\(a\)](#)
- s. 18(4A)(4B) inserted by [2022 c. 35 Sch. 2 para. 6\(7\)\(b\)](#)
- s. 18(6) inserted by [2022 c. 35 Sch. 2 para. 6\(7\)\(c\)](#)
- s. 20(7A)(7B) inserted by [2022 c. 35 Sch. 2 para. 6\(8\)\(c\)](#)
- s. 22(2A)-(2E) inserted by [2022 c. 35 Sch. 2 para. 6\(9\)\(a\)](#)
- s. 22A(1A)-(1E) inserted by [2022 c. 35 s. 6\(3\)\(b\)](#)
- s. 23(1A)-(1G) substituted for s. 23(1) by [2022 c. 35 s. 9\(4\)\(b\)](#)
- s. 23(4A)(4B) inserted by [2022 c. 35 s. 9\(4\)\(d\)](#)
- s. 24A(1A) inserted by [2022 c. 35 Sch. 2 para. 6\(11\)\(b\)](#)
- s. 24BA inserted by [2022 c. 35 s. 9\(5\)](#)
- s. 24ZA24ZB inserted by [2022 c. 35 s. 8](#)
- s. 75A inserted by [2013 c. 22 s. 26\(1\)](#)
- s. 85(5) inserted by [2013 c. 22 s. 26\(4\)](#)
- s. 139A inserted by [2013 c. 22 s. 26\(6\)](#)
- s. 145(1A) inserted by [2010 c. 26 Sch. 3 para. 8\(3\)](#) (This amendment not applied to legislation.gov.uk. Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by 2013 c. 22, s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 145(1A) repealed by [2010 c. 26 Sch. 4 Pt. 2](#) (This amendment not applied to legislation.gov.uk. Sch. 4 Pt. 2 repealed (4.9.2013) without ever being in force by 2013 c. 22, s. 17(4) ; S.I. 2013/2200 art. 2(a))
- Sch. 6A (entry) by [2000 c. 43 Sch. 7 para. 69](#)