



# 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.
- (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.

#### **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 and section 19 of the Powers of Criminal Courts Act 1973, where default is made in paying a sum adjudged to be paid by a conviction or order of a magistrates' court, the court may issue a warrant of distress for the purpose of levying 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 warrant of distress that the money and goods of the defaulter are insufficient to satisfy the sum with the costs and charges of levying the sum ; or
  - (b) instead of a warrant of distress.

---

*Status: This is the original version (as it was originally enacted).*

---

- (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.

#### **77 Postponement of issue of warrant**

- (1) Where a magistrates' court has power to issue a warrant of distress 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 and postpone the issue of the warrant until such time and on such conditions, if any, as the court thinks just.

#### **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 the rules 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 £25.
- (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 £25.

#### **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 distress to satisfy such a sum, then, on the payment of the sum, together with the costs and charges, if any, of the commitment and distress, 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 distress to satisfy such a sum, payment is made in accordance with the rules 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 to so much of the said sum, and the costs and charges of any distress levied to satisfy that sum, as was due at the time the period of detention was imposed.

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

## **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 or has ordered the enforcement of a sum due from a person under an affiliation order or an order enforceable as an affiliation order, 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 distress to satisfy such 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.

### *Sums adjudged to be paid by a conviction*

## **81 Enforcement of fines imposed on young offenders**

- (1) Where a magistrates' court would, but for the statutory restrictions upon the imprisonment of young offenders, have power to commit to prison a person under the age of 17 for a default consisting in failure to pay, or want of sufficient distress to satisfy, a sum adjudged to be paid by a conviction, the court may, subject to the following provisions of this section, make—
- (a) an order requiring the defaulter's parent or guardian to enter into a recognizance to ensure that the defaulter pays so much of that sum as remains unpaid; or
  - (b) an order directing so much of that sum as remains unpaid to be paid by the defaulter's parent or guardian instead of by the defaulter.
- (2) An order under subsection (1) above shall not be made in respect of a defaulter—
- (a) in pursuance of paragraph (a) of that subsection, unless the parent or guardian in question consents;
  - (b) in pursuance of paragraph (b) of that subsection, unless the court is satisfied in all the circumstances that it is reasonable to make the order.
- (3) None of the following orders, namely—
- (a) an order under section 19(1) of the Criminal Justice Act 1948 for attendance at an attendance centre; or
  - (b) any order under subsection (1) above,
- shall be made by a magistrates' court in consequence of a default of a person under the age of 17 years consisting in failure to pay, or want of sufficient distress to satisfy, a sum adjudged to be paid by a conviction unless the court has since the conviction inquired into the defaulter's means in his presence on at least one occasion.
- (4) An order under subsection (1) above shall not be made by a magistrates' court unless the court is satisfied that the defaulter has, or has had since the date on which the sum in question was adjudged to be paid, the means to pay the sum or any instalment of it

---

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

---

on which he has defaulted, and refuses or neglects or, as the case may be, has refused or neglected, to pay it.

- (5) An order under subsection (1) above may be made in pursuance of paragraph (b) of that subsection against a parent or guardian who, having been required to attend, has failed to do so; but, save as aforesaid, an order under that subsection shall not be made in pursuance of that paragraph without giving the parent or guardian an opportunity of being heard.
- (6) A parent or guardian may appeal to the Crown Court against an order under subsection (1) above made in pursuance of paragraph (b) of that subsection.
- (7) Any sum ordered under subsection (1)(6) above to be paid by a parent or guardian may be recovered from him in like manner as if the order had been made on the conviction of the parent or guardian of an offence.

- (8) In this section—

" guardian ", in relation to a person under the age of 17, means a person appointed, according to law, to be his guardian by deed or will, or by order of a court of competent jurisdiction;

" the statutory restrictions upon the imprisonment of young offenders " has the meaning given by section 39(1) of the Criminal Justice Act 1961 ;

" sum adjudged to be paid by a conviction " means any fine, costs, compensation or other sum adjudged to be paid by an order made on a finding of guilt, including an order made under section 35 of the Powers of Criminal Courts Act 1973 (compensation orders) as applied by section 3(6) of the Children and Young Persons Act 1969.

## **82 Restriction on power to impose imprisonment for default**

- (1) A magistrates' court shall not on the occasion of convicting an offender of an offence issue a warrant of commitment for a default in paying any sum adjudged to be paid by the conviction unless—
  - (a) in the case of an offence punishable with imprisonment, he appears to the court to have sufficient means to pay the sum forthwith;
  - (b) it appears to the court that he is unlikely to remain long enough at a place of abode in the United Kingdom to enable payment of the sum to be enforced by other methods ; or
  - (c) on the occasion of that conviction the court sentences him to immediate imprisonment or detention in a detention centre for that or another offence or he is already serving a term of imprisonment or detention in a detention centre.
- (2) A magistrates' court shall not in advance of the issue of a warrant of commitment fix a term of imprisonment which is to be served by an offender in the event of a default in paying a sum adjudged to be paid by a conviction, except where it has power to issue a warrant of commitment forthwith, but postpones issuing the warrant under section 77(2) above.
- (3) Where on the occasion of the offender's conviction a magistrates' court does not issue a warrant of commitment for a default in paying any such sum as aforesaid or fix a term of imprisonment under the said section 77(2) which is to be served by him in the event of any such default, it shall not thereafter issue a warrant of commitment for any such default or for want of sufficient distress to satisfy such a sum unless—

---

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

---

- (a) he is already serving a term of imprisonment or detention in a detention centre ; or
  - (b) the court has since the conviction inquired into his means in his presence on at least one occasion.
- (4) Where a magistrates' court is required by subsection (3) above to inquire into a person's means, the court may not on the occasion of the inquiry or at any time thereafter issue a warrant of commitment for a default in paying any such sum unless—
- (a) in the case of an offence punishable with imprisonment, the offender appears to the court to have sufficient means to pay the sum forthwith ; or
  - (b) the court—
    - (i) is satisfied that the default is due to the offender's wilful refusal or culpable neglect; and
    - (ii) has considered or tried all other methods of enforcing payment of the sum and it appears to the court that they are inappropriate or unsuccessful.
- (5) After the occasion of an offender's conviction by a magistrates' court, the court shall not, unless—
- (a) the court has previously fixed a term of imprisonment under section 77(2) above which is to be served by the offender in the event of a default in paying a sum adjudged to be paid by the conviction ; or
  - (b) the offender is serving a term of imprisonment or detention in a detention centre,
- issue a warrant of commitment for a default in paying the sum or fix such a term except at a hearing at which the offender is present.
- (6) Where a magistrates' court issues a warrant of commitment on the ground that one of the conditions mentioned in subsection (1) or (4) above is satisfied, it shall state that fact, specifying the ground, in the warrant.

### **83 Process for securing attendance of offender for purposes of section 82**

- (1) A magistrates' court may, for the purpose of enabling inquiry to be made under section 82 above or for securing the attendance of an offender at a hearing required to be held by subsection (5) of that section—
- (a) issue a summons requiring the offender to appear before the court at the time and place appointed in the summons; or
  - (b) issue a warrant to arrest him and bring him before the court.
- (2) On the failure of the offender to appear before the court in answer to a summons under this section the court may issue a warrant to arrest him and bring him before the court.
- (3) A warrant issued under this section may be executed in like manner, and the like proceedings may be taken with a view to its execution, in any part of the United Kingdom, as if it had been issued under section 13 above.
- (4) Notwithstanding anything in section 125 below, a warrant under this section shall cease to have effect when the sum in respect of which the warrant is issued is paid to the police officer holding the warrant.

---

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

---

#### **84 Power to require statement of means**

- (1) A magistrates' court may, either before or on inquiring into a person's means under section 82 above, and a justice of the peace acting for the same petty sessions area as that court may before any such inquiry, order him to furnish to the court within a period specified in the order such a statement of his means as the court may require.
- (2) A person who fails to comply with an order under subsection (1) above shall be liable on summary conviction to a fine not exceeding £50.
- (3) If a person in furnishing any statement in pursuance of an order under subsection (1) above makes a statement which he knows to be false in a material particular or recklessly furnishes a statement which is false in a material particular, or knowingly fails to disclose any material fact, he shall be liable on summary conviction to imprisonment for a term not exceeding 4 months or a fine not exceeding £100 or both.
- (4) Proceedings in respect of an offence under subsection (3) above may, notwithstanding anything in section 127(1) below, be commenced at any time within 2 years from the date of the commission of the offence or within 6 months from its first discovery by the prosecutor, whichever period expires the earlier.

#### **85 Power to remit fine**

- (1) Where a fine has been imposed on conviction of an offender by a magistrates' court, the court may, on inquiring into his means or at a hearing under section 82(5) above, remit the whole or any part of the fine if the court thinks it just to do so having regard to any change in his circumstances since the conviction, and where the court remits the whole or part of the fine after a term of imprisonment has been fixed, it shall also reduce the term by an amount which bears the same proportion to the whole term as the amount remitted bears to the whole fine or, as the case may be, shall remit the whole term.

In calculating the reduction in a term of imprisonment required by this subsection any fraction of a day shall be left out of account.

- (2) Notwithstanding the definition of " fine " in section 150(1) below, references in this section to a fine do not include any other sum adjudged to be paid on conviction, whether as a pecuniary penalty, forfeiture, compensation or otherwise.

#### **86 Power of magistrates' court to fix day for appearance of offender at means inquiry etc.**

- (1) Where under section 75(1) above a magistrates' court allows time for payment of a sum adjudged to be paid by a conviction of the court (" the adjudged sum "), the court may on that or any subsequent occasion fix a day on which, if any part of that sum remains unpaid on that day, the offender must appear in person before the court for either or both of the following purposes, namely—
  - (a) to enable an inquiry into his means to be made under section 82 above;
  - (b) to enable a hearing required by subsection (5) of the said section 82 to be held.
- (2) Except as provided in subsection (3) below, the power to fix a day under this section shall be exercisable only in the presence of the offender.
- (3) Where a day has been fixed under this section, the court may fix a later day in substitution for the day previously fixed, and may do so—

- (a) when composed of a single justice ; and
  - (b) whether the offender is present or not.
- (4) Subject to subsection (5) below, if on the day fixed under this section—
- (a) any part of the adjudged sum remains unpaid ; and.
  - (b) the offender fails to appear in person before the court,
- the court may issue a warrant to arrest him and bring him before the court; and subsections (3) and (4) of section 83 above shall apply in relation to a warrant issued under this section.
- (5) Where under subsection (3) above a later day has in the absence of the offender been fixed in substitution for a day previously fixed under this section, the court shall not issue a warrant under this section unless it is proved to the satisfaction of the court, on oath or in such other manner as may be prescribed, that notice in writing of the substituted day was served on the offender not less than what appears to the court to be a reasonable time before that day.

#### **87 Enforcement of payment of fines by High Court and county court**

- (1) Subject to the provisions of subsection (2) below, payment of a sum adjudged to be paid by a conviction of a magistrates' court may be enforced by the High Court or a county court (otherwise than by issue of a writ of fieri facias or other process against goods or by imprisonment or attachment of earnings) as if the sum were due to the clerk of the magistrates' court in pursuance of a judgment or order of the High Court or county court, as the case may be.
- (2) Subsection (1) above shall not be construed as authorising the enforcement by a county court of payment of a fine exceeding the limit for the time being in force under section 40 of the County Courts Act 1959 on the amount of any penalty recoverable by statute in a county court.
- (3) The clerk of the magistrates' court shall not take proceedings by virtue of subsection (1) above to recover any sum adjudged to be paid by a conviction of the court from any person unless authorised to do so by the court after an inquiry under section 82 above into that person's means.
- (4) Any expenses incurred by the clerk of a magistrates' court in recovering any such sum shall be treated for the purposes of Part VI of the Justices of the Peace Act 1979 as expenses of the magistrates' courts committee.

#### **88 Supervision pending payment**

- (1) Where any person is adjudged to pay a sum by a summary conviction and the convicting court does not commit him to prison forthwith in default of payment, the court may, either on the occasion of the conviction or on a subsequent occasion, order him to be placed under the supervision of such person as the court may from time to time appoint.
- (2) An order placing a person under supervision in respect of any sum shall remain in force so long as he remains liable to pay the sum or any part of it unless the order ceases to have effect or is discharged under subsection (3) below.
- (3) An order under this section shall cease to have effect on the making of a transfer of fine order under section 89 below with respect to the sum adjudged to be paid and

---

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

---

may be discharged by the court that made it, without prejudice in either case to the making of a new order.

- (4) Where a person under 21 years old, has been adjudged to pay a sum by a summary conviction and the convicting court does not commit him to prison forthwith in default of payment, the court shall not commit him to prison in default of payment of the sum, or for want of sufficient distress to satisfy the sum, unless he has been placed under supervision in respect of the sum or the court is satisfied that it is undesirable or impracticable to place him under supervision.
- (5) Where a court, being satisfied as aforesaid, commits a person under 21 years old to prison without an order under this section having been made, the court shall state the grounds on which it is so satisfied in the warrant of commitment.
- (6) Where an order placing a person under supervision with respect to a sum is in force, a magistrates' court shall not commit him to prison in default of payment of the sum, or for want of sufficient distress to satisfy the sum, unless the court has before committing him taken such steps as may be reasonably practicable to obtain from the person appointed for his supervision an oral or written report on the offender's conduct and means and has considered any report so obtained, in addition, in a case where an inquiry is required by section 82 above, to that inquiry.

## **89 Transfer of fine order**

- (1) Where a magistrates' court has, or is treated by any enactment as having, adjudged a person by a conviction to pay a sum and it appears to the court that the person is residing in any petty sessions area other than that for which the court acted, the court may make a transfer of fine order, that is to say, an order making payment enforceable in the petty sessions area in which it appears to the court that he is residing; and that area shall be specified in the order.
- (2) As from the date on which a transfer of fine order is made with respect to any sum, all functions under this Part of this Act relating to that sum which, if no such order had been made, would have been exercisable by the court which made the order, or the clerk of that court, shall be exercisable by a court acting for the petty sessions area specified in the order, or the clerk of that court, as the case may be, and not otherwise.
- (3) Where it appears to a court by which functions in relation to any sum are for the time being exercisable by virtue of a transfer of fine order that the person liable to pay the sum is residing in a petty sessions area other than that for which the court is acting, the court may make a further transfer of fine order with respect to that sum.
- (4) In this section and sections 90 and 91 below, references to this Part of this Act do not include references to section 81(1) above.

## **90 Transfer of fines to Scotland or Northern Ireland**

- (1) Where a magistrates' court has, or is treated by any enactment as having, adjudged a person by a conviction to pay a sum, and it appears to the court that he is residing—
  - (a) within the jurisdiction of a court of summary jurisdiction in Scotland, or
  - (b) in any petty sessions district in Northern Ireland,the court may order that payment of the sum shall be enforceable by that court of summary jurisdiction or, as the case may be, in that petty sessions district.



- (2) An order under this section shall specify the court of summary jurisdiction by which or petty sessions district in which payment of the sum in question is to be enforceable; and if—
  - (a) that sum is more than £100 or is a fine originally imposed by the Crown Court or the sheriff court, and
  - (b) payment is to be enforceable in Scotland,  
the court to be so specified shall be the sheriff court.
- (3) Where an order is made under this section with respect to any sum, any functions under this Part of this Act relating to that sum which, if no such order had been made, would have been exercisable by the court which made the order or by the clerk of that court shall cease to be so exercisable.

## **91 Transfer of fines from Scotland or Northern Ireland**

- (1) Where a transfer of fine order under section 403 of the Criminal Procedure (Scotland) Act 1975 or section 104A of the Magistrates' Courts Act (Northern Ireland) 1964 provides that payment of a sum shall be enforceable in a specified petty sessions area in England and Wales, a magistrates' court acting for that area, and the clerk of that court, shall, subject to the provisions of this section, have all the like functions under this Part of this Act in respect of the sum (including power to make an order under section 89 or section 90 above) as if the sum were a sum adjudged to be paid by a conviction of that court and as if any order made under the said Act of 1975 or, as the case may be, 1964 in respect of the sum before the making of the transfer of fine order had been made by that court.
- (2) For the purpose of determining the period of imprisonment which may be imposed under this Act in default of payment of a fine originally imposed by a court in Scotland, Schedule 4 to this Act shall have effect as if for the Table set out in paragraph 1 there were substituted the Table set out in section 407 of the Criminal Procedure (Scotland) Act 1975.
- (3) Where a transfer of fine order under section 403 of the Criminal Procedure (Scotland) Act 1975 or section 104A of the Magistrates' Courts Act (Northern Ireland) 1964 provides for the enforcement in a petty sessions area in England and Wales of a fine originally imposed by the Crown Court, a magistrates' court acting for that area shall have all the like functions under this Part of this Act, exercisable subject to the like restrictions, as if it were the magistrates' court by which payment of the fine fell to be enforced by virtue of section 32(1) of the Powers of Criminal Courts Act 1973, and as if any order made under the said Act of 1975 or, as the case may be, 1964 in respect of the fine before the making of the transfer of fine order had been made by that court.

*Sums adjudged to be paid by an order*

## **92 Restriction on power to impose imprisonment for default**

- (1) A magistrates' court shall not exercise its power under section 76 above to issue a warrant to commit to prison a person who makes default in paying a sum adjudged to be paid by an order of such a court except where the default is under—
  - (a) a magistrates' court maintenance order;

---

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

---

- (b) an order under section 32 of the Legal Aid Act 1974 (contribution by legally assisted person to cost of his defence in a criminal case); or
  - (c) an order for the payment of any of the taxes, contributions, premiums or liabilities specified in Schedule 4 to the Administration of Justice Act 1970.
- (2) This section does not affect the power of a magistrates' court to issue such a warrant as aforesaid in the case of default in paying a sum adjudged to be paid by a conviction, or treated (by any enactment relating to the collection or enforcement of fines, costs, compensation or forfeited recognizances) as so adjudged to be paid.
- (3) In this section—
- " magistrates' court maintenance order " means a maintenance order enforceable by a magistrates' court;
  - "maintenance order" means any order specified in Schedule 8 to the Administration of Justice Act 1970 and includes such an order which has been discharged, if any arrears are recoverable thereunder.

### **93 Complaint for arrears**

- (1) Where default is made in paying a sum ordered to be paid by an affiliation order or order enforceable as an affiliation order, the court shall not enforce payment of the sum under section 76 above except by an order made on complaint.
- (2) A complaint under this section shall be made not earlier than the fifteenth day after the making of the order for the enforcement of which it is made ; but subject to this such a complaint may be made at any time notwithstanding anything in this or any other Act.
- (3) In relation to complaints under this section, section 55 above shall not apply and section 56 above shall have effect as if the words " if evidence has been received on a previous occasion " were omitted.
- (4) Where at the time and place appointed for the hearing or adjourned hearing of a complaint under this section the complainant appears but the defendant does not, the court may proceed in his absence ; but the court shall not begin to hear the complaint in the absence of the defendant unless either 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 him within what appears to the court to be a reasonable time before the hearing or adjourned hearing or the defendant has appeared on a previous occasion to answer the complaint.
- (5) If a complaint under this section is substantiated on oath, any justice of the peace acting for the same petty sessions area as a court having jurisdiction to hear the complaint may issue a warrant for the defendant's arrest, whether or not a summons has been previously issued.
- (6) A magistrates' court shall not impose imprisonment in respect of a default to which a complaint under this section relates unless the court has inquired in the presence of the defendant whether the default was due to the defendant's wilful refusal or culpable neglect, and shall not impose imprisonment as aforesaid if it is of opinion that the default was not so due; and, without prejudice to the preceding provisions of this subsection, a magistrates' court shall not impose imprisonment as aforesaid—
  - (a) in a case in which the court has power to make an attachment of earnings order unless the court is of opinion that it is inappropriate to make such an order ;
  - (b) in any case, in the absence of the defendant.

- (7) Notwithstanding anything in section 76(3) above, the period for which a defendant may be committed to prison under a warrant of commitment issued in pursuance of a complaint under this section shall not exceed 6 weeks.
- (8) The imprisonment or other detention of a defendant under a warrant of commitment issued as aforesaid shall not operate to discharge the defendant from his liability to pay the sum in respect of which the warrant was issued.

**94 Effect of committal on arrears**

Where a person is committed to custody under this Part of this Act for failure to pay a sum due under an affiliation order or order enforceable as an affiliation order, then, unless the court that commits him otherwise directs, no arrears shall accrue under the order while he is in custody.

**95 Power to remit arrears**

On the hearing of a complaint for the enforcement, revocation, revival, variation or discharge of an affiliation order or an order enforceable as an affiliation order, the court may remit the whole or any part of the sum due under the order.

**96 Civil debt: complaint for non-payment**

- (1) A magistrates' court shall not commit any person to prison or other detention in default of payment of a sum enforceable as a civil debt or for want of sufficient distress to satisfy such a sum except by an order made on complaint and on proof to the satisfaction of the court that that person has, or has had since the date on which the sum was adjudged to be paid, the means to pay the sum or any instalment of it on which he has defaulted, and refuses or neglects or, as the case may be, has refused or neglected to pay it
- (2) A complaint under this section may be made at any time notwithstanding anything in this or any other Act.
- (3) Where on any such complaint the defendant is committed to custody, such costs incurred by the complainant in proceedings for the enforcement of the sum as the court may direct shall be included in the sum on payment of which the defendant may be released from custody.