



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART VII

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Interpretation*

#### **148 “Magistrates’ court”.**

- (1) In this Act the expression “magistrates’ court” means any justice or justices of the peace acting under any enactment or by virtue of his or their commission or under the common law.
- (2) Except where the contrary is expressed, anything authorised or required by this Act to be done by, to or before the magistrates’ court by, to or before which any other thing was done, or is to be done, may be done by, to or before any magistrates’ court acting for the same petty sessions area as that court.

#### **Modifications etc. (not altering text)**

C1 S. 148(2) extended (4.7.1996) by 1996 c. 25, s. 76 (with s. 78(1))

#### **149 Isles of Scilly.**

For the purposes of this Act the Isles of Scilly form part of the county of Cornwall.

#### **150 Interpretation of other terms.**

- (1) In this Act, unless the context otherwise requires, the following expressions have the meaning hereby assigned to them, that is to say—

“Act” includes local Act;

F1

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“bail in criminal proceedings” has the same meaning as in the <sup>M1</sup>Bail Act 1976;

<sup>F2</sup> . . . .

“commit to custody” means commit to prison or, where any enactment authorises or requires committal to some other place of detention instead of committal to prison, to that other place;

“committal proceedings” means proceedings before a magistrates’ court acting as examining justices;

“<sup>F3</sup>family proceedings” has the meaning assigned to it by section 65 above;

“enactment” includes an enactment contained in a local Act or in any order, regulation or other instrument having effect by virtue of an Act;

“fine”, except for the purposes of any enactment imposing a limit on the amount of any fine, includes any pecuniary penalty or pecuniary forfeiture or pecuniary compensation payable under a conviction;

“impose imprisonment” means pass a sentence of imprisonment or fix a term of imprisonment for failure to pay any sum of money, or for want of sufficient distress to satisfy any sum of money, or for failure to do or abstain from doing anything required to be done or left undone;

[<sup>F4</sup>“legal representative” means an authorised advocate or authorised litigator, as defined by section 119(1) of the Courts and Legal Services Act 1990;]

<sup>F5</sup> . . . .

[<sup>F6</sup>“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 <sup>M2</sup>1970 and includes such an order which has been discharged, if any arrears are recoverable thereunder;]

“petty-sessional court-house” means any of the following, that is to say—

- (a) a court-house or place at which justices are accustomed to assemble for holding special or petty sessions or for the time being appointed as a substitute for such a court-house or place (including, where justices are accustomed to assemble for either special or petty sessions at more than one court-house or place in a [<sup>F7</sup>petty sessions area], any such court-house or place);
- (b) a court-house or place at which a stipendiary magistrate is authorised by law to do alone any act authorised to be done by more than one justice of the peace;

[<sup>F8F9</sup> . . . .

“prescribed” means prescribed by the rules;]

[<sup>F10</sup>“preserved county” has the meaning given by section 64 of the Local Government (Wales) Act 1994;]

“the register” means the register of proceedings before a magistrates’ court required by the rules to be kept by the clerk of the court;

“the rules” means rules made under section 144 above;

“sentence” does not include a committal in default of payment of any sum of money, or for want of sufficient distress to satisfy any sum of money, or for failure to do or abstain from doing anything required to be done or left undone;

“sum enforceable as a civil debt” means—

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- (a) any sum recoverable summarily as a civil debt which is adjudged to be paid by the order of a magistrates' court;
  - (b) any other sum expressed by this or any other Act to be so enforceable;“transfer of fine order” has the meaning assigned to it by section 89 above.
- (2) Except where the contrary is expressed or implied, anything required or authorised by this Act to be done by justices may, where two or more justices are present, be done by one of them on behalf of the others.
- (3) Any reference in this Act to a sum adjudged to be paid by a conviction or order of a magistrates' court shall be construed as including a reference to any costs, damages or compensation adjudged to be paid by the conviction or order of which the amount is ascertained by the conviction or order; but this subsection does not prejudice the definition of “sum adjudged to be paid by a conviction” contained in subsection (8) of section 81 above for the purposes of that section.
- (4) Where the age of any person at any time is material for the purposes of any provision of this Act regulating the powers of a magistrates' court, his age at the material time shall be deemed to be or to have been that which appears to the court after considering any available evidence to be or to have been his age at that time.
- (5) Except where the context otherwise requires, any reference in this Act to an offence shall be construed as including a reference to an alleged offence; and any reference in this Act to an offence committed, completed or begun anywhere shall be construed as including a reference to an offence alleged to have been committed, completed or begun there.
- (6) References in this Act to an offence punishable with imprisonment or punishable on summary conviction with imprisonment shall be construed without regard to any prohibition or restriction imposed by or under this or any other Act on imprisonment of young offenders.
- (7) The provisions of this Act authorising a magistrates' court on conviction of an offender to pass a sentence or make an order instead of dealing with him in any other way shall not be construed as taking away any power to order him to pay costs, damages or compensation.

#### Textual Amendments

- F1** Definition of “affiliation order” repealed by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), ss. 33(1)(2)(4), [Sch. 2 para. 88\(a\)](#), Sch. 3 paras. 1, 6, Sch. 4
- F2** S. 150(1): definition of “commission area” repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3), [Sch. 15 Pt. V\(1\)](#) (with s. 107, [Sch. 14 paras. 7\(2\), 36\(9\)](#))
- F3** Words in s. 150(1) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), ss. 92, 108(6), [Sch. 11 Pt. II para. 8\(c\)](#) (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, [art. 3\(2\)](#)
- F4** Definition of “legal representative” inserted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37, 82\)](#), s. 125(3), [Sch. 18 para. 25\(2\)](#)
- F5** S. 150(1): definition of “London commission area” repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3), [Sch. 15 Pt. V\(1\)](#) (with s. 107, [Sch. 14 paras. 7\(2\), 36\(9\)](#))
- F6** Definitions of “magistrates' court maintenance order” and “maintenance order” inserted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), s. 33(1)(2), [Sch. 2 para. 88\(b\)](#), Sch. 3 paras 1, 6
- F7** S. 150(1): words in definition of “petty-sessional court-house” substituted (27.9.1999) by 1999 c. 22, ss. 76, 108(3), [Sch. 10 paras. 33, 36](#) (with s. 107, [Sch. 14 paras. 7\(2\), 36\(9\)](#))

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- F8** Definition of “petty sessions area” substituted by Local Government Act 1985 (c. 51, SIF 81:1), **s. 12(11)**
- F9** S. 150(1): definition of “petty sessions area” repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3), **Sch. 15 Pt. V(1)** (with s. 107, Sch. 14 paras. 7(2), 36(9))
- F10** Definition in s. 150(1) inserted (1.4.1996) by 1994 c. 19, s. 1(3), **Sch. 2 para. 11(4)**(with ss. 54(5)(7), 55(5)); S.I. 1995/3198, art. 3, **Sch. 1**; (in which definition words are repealed (1.4.1996) by virtue of S.I. 1996/675, art. 2, **Sch. Pt. I para. 2(7)**)

#### **Modifications etc. (not altering text)**

- C2** S. 150(1) extended (3.4.2000) by 1999 c. 33, **s. 113(6)**; S.I. 2000/464, art. 2, **Sch.**
- C3** Definition of 'magistrates' court maintenance order' in s. 150(1) applied (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 15(1), 108(6), **Sch. 1 para. 12(3)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- Definition of 'magistrates' court maintenance order' in s. 150(1) applied (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 29, 108(6), **Sch. 2 para. 24(1)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- Definition of 'magistrates' court maintenance order' in s. 150(1) extended (1.7.1992) by Social Security Administration Act 1992 (c. 5), **ss. 106(5), 192(4)**

#### **Marginal Citations**

- M1** 1976 c. 63.
- M2** 1970 c. 31 (45:1).

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