



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART III

#### SATISFACTION AND ENFORCEMENT

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

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

- (1) Where a magistrates' court would, but for [<sup>F1</sup>section 89 of the Powers of Criminal Courts (Sentencing) Act 2000], have power to commit to prison a person under [<sup>F2</sup>the age of 18] 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 [<sup>F3</sup> section 60(1) of the said Act of 2000 <sup>M1</sup>] 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 [<sup>F2</sup>the age of 18] years consisting in failure to pay, or want of sufficient distress to

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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 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)(b) 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 [<sup>F2</sup>the age of 18], means a person appointed, according to law, to be his guardian <sup>F4</sup>, or by order of a court of competent jurisdiction;

<sup>F5</sup>

“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 [<sup>F6</sup>section 130 of the said Act 2000 <sup>M2</sup>] (compensation orders) <sup>F4</sup>.

#### Textual Amendments

- F1** Words in s. 81(1) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 67(1)(2)**
- F2** Words in s. 81(1)(3)(8) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 68, 101(1), Sch. 8 para. 6(2), **Sch. 12 para. 22(1)**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F3** Words in s. 81(3) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 67(1)(3)**
- F4** Words in s. 81(8) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**
- F5** Definition of “the statutory restrictions upon the imprisonment of young offenders” repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 78, **Sch. 16**
- F6** Words in s. 81(8) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 67(1)(4)**

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

- C1** S. 81 restricted (3.2.1995) by 1994 c. 37, **ss. 9(4)(a)**, 69(2) (with s. 66(2))  
S. 81 modified (1.1.1998) by 1997 c. 43, **s. 35(2)**; S.I. 1997/2200, **art. 3(a)**  
S. 81 amended (1.1.1998) by 1997 c. 43, **s. 40(2)**; S.I. 1997/2200, art., 3(c)

#### Marginal Citations

- M1** 2000 c.6  
**M2** 2000 c. 6.

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## **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 [<sup>F7</sup>, youth custody] or detention in a detention centre for that or another offence or he is already serving [<sup>F8</sup> a sentence of custody for life, or a term of imprisonment, youth custody, detention under section 9 of the Criminal Justice Act 1982] 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—
  - (a) he is already serving [<sup>F8</sup> a sentence of custody for life, or a term of imprisonment, youth custody, detention under section 9 of the Criminal Justice Act 1982] 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.

[<sup>F9</sup>(4A) The methods of enforcing payment mentioned in subsection (4)(b)(ii) above are—

- (a) a warrant of distress under section 76 above;
- (b) an application to the High Court or county court for enforcement under section 87 below;
- (c) an order under section 88 below;
- (d) an attachment of earnings order; and

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- (e) if the offender is [<sup>F10</sup>under the age of 25], an order under section 17 of the Criminal Justice Act 1982(attendance centre orders).]
- (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 [<sup>F8</sup>a sentence of custody for life, or a term of imprisonment, youth custody, detention under section 9 of the Criminal Justice Act 1982]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.

[<sup>F11</sup>(5A) A magistrates' court may not issue a warrant of commitment under subsection (5) above at a hearing at which the offender is not present unless the [<sup>F12</sup>justices' chief executive for] the court has first served on the offender a notice in writing stating that the court intends to hold a hearing to consider whether to issue such a warrant and giving the reason why the court so intends.

- (5B) Where after the occasion of an offender's conviction by a magistrates' court the court holds a hearing for the purpose of considering whether to issue a warrant of commitment for default in paying a sum adjudged to be paid by the conviction, it shall consider such information about the offender's means as is available to it unless it has previously—
- (a) inquired into the offender's means; and
  - (b) postponed the issue of the warrant of commitment under section 77(2) above.

- (5C) A notice under subsection (5A) above—
- (a) shall state the time and place appointed for the hearing; and
  - (b) shall inform the offender that, if he considers that there are grounds why the warrant should not be issued, he may make representations to the court in person or in writing,

but the court may exercise its powers in relation to the issue of a warrant whether or not he makes representations.

- (5D) Except as mentioned in subsection (5E) below, the time stated in a notice under subsection (5A) above shall not be earlier than 21 days after the issue of the notice.

- (5E) Where a magistrates' court exercises in relation to an offender the power conferred by section 77(2) above and at the same hearing issues a notice under subsection (5A) above in relation to him, the time stated in the notice may be a time on any day following the end of the period for which the issue of the warrant of commitment has been postponed.

- (5F) A notice under subsection (5A) above to be served on any person shall be deemed to be served on that person if it is sent by registered post or the recorded delivery service addressed to him at his last known address, notwithstanding that the notice is returned as undelivered or is for any other reason not received by that person.]

- (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.

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#### Textual Amendments

- F7** Words inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, [Sch. 14 para. 52\(a\)](#)
- F8** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, [Sch. 14 para. 52\(b\)](#)
- F9** S. 82(4A) added (E.W.) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. [61\(3\)](#) (with s. 123(6), [Sch. 8 para. 16](#))
- F10** Words in s. 82(4A)(e) substituted (1.10.1997) by 1997 c. 43, s. 55(1), [Sch. 4 para. 10\(1\)](#); S.I. 1997/2200, [art. 2\(1\)\(I\)\(2\)\(e\)](#)
- F11** S. 82(5A)-(5F) added (E.W.) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. [61\(4\)](#) (with s. 123(6), [Sch. 8 para. 16](#))
- F12** Words in s. 82(5A) substituted (1.4.2001) by 1999 c. 22, s. 90, [Sch. 13 paras. 95, 104](#) (with s. 107, [Sch. 14 para. 7\(2\)](#)); S.I. 2001/916, [art. 2\(a\)\(ii\)](#) (with [Sch. 2 para. 2](#))

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

- C2** S. 82 amended (1.10.1997) by 1997 c. 43, s. [55\(2\)](#); S.I. 1997/2200, [art. 2\(1\)\(m\)](#)

### 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.

<sup>F13</sup>(4) .....

#### Textual Amendments

- F13** S. 83(4) repealed (19.2.2001) by 1999 c. 22, ss. [97\(2\)](#), [106](#), [Sch. 15 Pt. V\(8\)](#) (with s. 107, [Sch. 14 para. 7\(2\)](#), [36\(9\)](#)); S.I. 2001/168, [arts. 1, 2](#) (subject to the transitional provisions in [art. 3](#))

### 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 [<sup>F14</sup>level 3 on the standard scale].
- (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

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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 [F14]level 3 on the standard scale]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.

#### Textual Amendments

**F14** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

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

- C3** S. 84(2)-(4) applied (21.9.2004) by [Courts Act 2003 \(c. 39\)](#), **ss. 97(2), 110, Sch. 6 para. 2(4)**; [S.I. 2004/2195, art. 2](#)
- C4** S. 84(2)-(4) applied (21.9.2004) by [Courts Act 2003 \(c. 39\)](#), **ss. 97(2), 110, Sch. 6 para. 2(4)**; [S.I. 2004/2195, art. 2](#)
- C5** S. 84(2)-(4) applied (21.9.2004) by [Courts Act 2003 \(c. 39\)](#), **ss. 97(2), 110, Sch. 6 para. 2(4)**; [S.I. 2004/2195, art. 2](#)

#### [F15]85 Power to remit fine.

- (1) Where a fine has been imposed on conviction of an offender by a magistrates' court, the court may at any time remit the whole or any part of the fine, but only if it thinks it just to do so having regard to a change of circumstances which has occurred—
- (a) where the court is considering whether to issue a warrant of commitment after the issue of such a warrant in respect of the fine has been postponed under subsection (2) of [F16]section 77] above, since the relevant time as defined in subsection (4) of that section; and
  - (b) in any other case, since the date of the conviction.
- (2) 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 or, as the case may be, shall remit the whole term.

[ Where the court remits the whole or part of the fine after an order has been made under [F17](2A) section 35(2)(a) or (b) of the [Crime \(Sentences\) Act 1997](#), it shall also reduce the total number of hours or days to which the order relates by a number which bears the same proportion as the amount remitted bears to the whole sum or, as the case may be, shall revoke the order.

- (3) In calculating any reduction required by subsection (2) or (2A) above any fraction of a day or hour shall be left out of account.]
- (4) 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.]

#### Textual Amendments

**F15** S. 85 substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), **ss. 61(5), 123(6), Sch. 8 para. 16**

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**F16** Words in s. 85(1)(a) expressed to be substituted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para.32**; S.I. 1998/2327, **art.2(1)(w)**

**F17** S. 85(2A)(3) substituted (1.1.1998) for s. 85(3) by 1997 c. 43, s. 55(1), **Sch. 4 para. 10(2)**; S.I. 1997/2200, **art. 3(d)**

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

**C6** S. 85 modified by Road Traffic Offenders Act 1988 (c. 53, SIF 107:1), **ss. 71(8)**, 92

S. 85 restricted (3.2.1995) by 1994 c. 37, **ss. 9(4)(a)**, 69(2) (with s. 66(2))

S. 85 amended (1.1.1998) by 1997 c. 43, **s. 55(2)**; S.I. 1997/2200, **art. 2(1)(m)**

**C7** S. 85(1) restricted (25.8.2000) by 2000 c. 6, **ss. 140(5)**, 168(1)

### [<sup>F18</sup>85A Variation of instalments of sum adjudged to be paid by conviction.

Where under section 75 above a magistrates' court orders that a sum adjudged to be paid by a conviction shall be paid by instalments, the court, on an application made by the person liable to pay that sum, shall have power to vary that order by varying the number of instalments payable, the amount of any instalment payable, and the date on which any instalment becomes payable.]

#### Textual Amendments

**F18** S. 85A inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 51(1)**

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

[<sup>F19</sup>(1) A magistrates' court which has exercised in relation to a sum adjudged to be paid by a conviction either of the powers conferred by section 75(1) above shall have power, either then or later, to fix a day on which, if the relevant condition is satisfied, 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.

(1A) Where the power which the court has exercised is the power to allow time for payment of a sum ("the adjudged sum"), the relevant condition is satisfied if any part of that sum remains unpaid on the day fixed by the court.

(1B) Where the power which the court has exercised is the power to order payment by instalments, the relevant condition is satisfied if an instalment which has fallen due remains unpaid on the day fixed by the court.]

(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—

[<sup>F20</sup>(a) the relevant condition is satisfied; and]

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- (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  
[<sup>F21</sup>subsection (3)] 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.

#### Textual Amendments

- F19** S. 86(1)(1A)(1B) substituted for subsection (1) by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 51(2)(a)
- F20** S. 86(4)(a) substituted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 51(2)(b)
- F21** Words in s. 86(4) substituted (19.2.2001) by 1999 c. 22, s. 97(3) (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/168, arts. 1, 2(a) (subject to the transitional provisions in art. 3)

## 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 [<sup>F22</sup>justices' chief executive for] the magistrates' court in pursuance of a judgment or order of the High Court or county court, as the case may be.

<sup>F23</sup>(2) .....

<sup>F24</sup>(2A) .....

- (3) The [<sup>F25</sup>justices' chief executive] 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 [<sup>F26</sup>there has been an inquiry under section 82 above into that person's means and he appeared to the court to have sufficient means to pay the sum forthwith.]
- (4) Any expenses incurred by the [<sup>F27</sup>a justices' chief executive] in recovering any such sum shall be treated for the purposes of Part VI of [<sup>F28</sup>the Justices of the <sup>M3</sup>Peace Act 1997] as expenses of the magistrates' courts committee.

#### Textual Amendments

- F22** Words in s. 87(1) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 95, 105(2) (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(a)(ii) (with Sch. 2 para. 2)
- F23** S. 87(2) omitted (1.7.1991) by virtue of S.I. 1991/724, art. 2(8), Sch. Pt. I (with art. 12)
- F24** S. 87(2A) omitted (1.7.1991) by virtue of S.I. 1991/724, art. 2(8), Sch. Pt. I (with art. 12)
- F25** Words in s. 87(3) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 95, 105(3) (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(a)(ii) (with Sch. 2 para. 2)
- F26** Words in s. 87(3) substituted (4.7.1996, with effect (1.10.1996) as mentioned in s. 50(2)(3) of the substituting Act) by 1996 c. 25, s. 50(1) (with s. 78(1)); S.I. 1996/2343, art. 2



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- F27** Words in s. 87(4) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 95, **105(4)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F28** Words in s. 87(4) substituted (19.6.1997) by 1997 c. 25, ss. 73(2), 74(1), **Sch. 5 para. 19(2)(3)(c)** (with Sch. 4 para. 27)

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

- C8** S. 87 extended (1.7.1991) by S.I. 1991/724, **art. 2(1)(j)** (with art. 12)  
S. 87 modified (3.2.1995) by 1994 c. 37, **ss. 9(4)(b)(6)**, 69(2) (with s. 66(2))  
S. 87 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), **9** (with reg. 3) (as amended (30.3.2005) by S.I. 2005/484, regs. 1(1)(a)(2), 2, 4, 9)

**Marginal Citations**

- M3** 1997 c. 25

**[<sup>F29</sup>87A Fines imposed on companies.**

(1) Where—

- (a) a magistrates' court has, or is treated by any enactment as having, adjudged a company by a conviction to pay a sum; and
- (b) the court has issued a warrant of distress under section 76(1) above for the purpose of levying the sum; and
- (c) it appears on the return to the warrant that the money and goods of the company are insufficient to satisfy the sum with the costs and charges of levying the same,

the [<sup>F30</sup>justices' chief executive for] the court [may make an application in relation to the company under section 9 or 124 of the <sup>M4</sup>Insolvency Act 1986 (administration or winding up).

- (2) Any expenses incurred under subsection (1) above by [<sup>F31</sup>a justices' chief executive] shall be treated for the purposes of Part VI of [<sup>F32</sup>the <sup>M5</sup>Justices of the Peace Act 1997] as expenses of the magistrates' courts committee.]

**Textual Amendments**

- F29** S. 87A inserted (E.W.) by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 62(1), 123(6), **Sch. 8 para. 16**
- F30** Words in s. 87A(1) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 95, **106(2)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F31** Words in s. 87A(2) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 95, **106(3)** (with s. 107, Sch. 14 paras. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F32** Words in s. 87A(2) substituted (19.6.1997) by 1997 c. 25, **ss. 73(2)**, 74(1), Sch. 5 para. 19(2)(3)(d) (with Sch. 4 para. 27)

**Marginal Citations**

- M4** 1986 c. 45  
**M5** 1997 c. 25

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: Magistrates' Courts Act 1980, Cross Heading: Sums adjudged to be paid by a conviction is up to date with all changes known to be in force on or before 01 July 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)*

## 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 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 <sup>F33</sup>detention under <sup>F34</sup>section 108 of the Powers of Criminal Courts (Sentencing) Act 2000]forthwith in default of payment, the court shall not commit him to <sup>F35</sup>such detention]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 <sup>F36</sup>such detention]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.

### Textual Amendments

- F33** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, [Sch. 14 para. 53\(a\)\(i\)](#)
- F34** Words in [s. 88\(4\)](#) substituted (25.8.2000) by [2000 c. 6, ss. 165, 168\(1\)](#), [Sch. 9 para. 68](#)
- F35** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, [Sch. 14 para. 53\(a\)\(ii\)](#)
- F36** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, [Sch. 14 para. 53\(b\)](#)

## 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 payments 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.

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: Magistrates' Courts Act 1980, Cross Heading: Sums adjudged to be paid by a conviction is up to date with all changes known to be in force on or before 01 July 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)*

- (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 [F37]justices' chief executive for] that court, shall be exercisable by a court acting for the petty sessions area specified in the order, or the [F37]justices' chief executive for] that court, as the case may be, and not otherwise.
- [F38(2A) The functions of the court to which subsection (2) above relates shall be deemed to include the court's power to apply to the Secretary of State under any regulations made by him under section 24(1)(a) of the M6Criminal Justice Act 1991 (power to deduct fines etc. from income support).]
- (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.

#### Textual Amendments

**F37** Words in s. 89(2) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 95, 107 (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(a)(ii) (with Sch. 2 para. 2)

**F38** S. 89(2A) inserted (3.2.1995) by 1994 c. 33, s. 47(1); S.I. 1995/127, art. 2(1), Sch. 1

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

**C9** S. 89 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), 6(a) (with reg. 3) (as amended (30.3.2005) by S.I. 2005/484, regs. 1(1)(a)(2), 2, 4, 6)

#### Marginal Citations

**M6** 1991 c. 53.

## 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—
- within the jurisdiction of a court of summary jurisdiction in Scotland, or
  - 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—
- that sum is more than £100 or is a fine originally imposed by the Crown Court or the sheriff court, and
  - payment is to be enforceable in Scotland,
- the court to be so specified shall be the sheriff court.

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: Magistrates' Courts Act 1980, Cross Heading: Sums adjudged to be paid by a conviction is up to date with all changes known to be in force on or before 01 July 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)*

- (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 [<sup>F39</sup>justices' chief executive for] that court shall cease to be so exercisable.
- [<sup>F40</sup>(3A) The functions of the court which shall cease to be exercisable by virtue of subsection (3) above shall be deemed to include the court's power to apply to the Secretary of State under regulations made by him under section 24(1)(a) of the Criminal Justice Act 1991 (power to deduct fines from income support).]

#### Textual Amendments

- F39** Words in s. 90(3) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 95, 108 (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(a)(ii) (with Sch. 2 para. 2)
- F40** S. 90(3A) inserted (E.W.) (3.2.1995) by 1994 c. 33, s. 47(2); S.I. 1995/127, art. 2(1), Sch. 1

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

- C10** S. 90 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), 6(b) (with reg. 3) (as amended (30.3.2005) by S.I. 2005/484, regs. 1(1)(a)(2), 2, 4, 6(3))

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

- (1) Where a transfer of fine order under section 403 of the <sup>M7</sup>Criminal Procedure (Scotland) Act 1975 or [<sup>F41</sup>Article 95 of the Magistrates' Courts (Northern Ireland) Order 1981] 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 [<sup>F42</sup>justices' chief executive for] 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, [<sup>F43</sup>the said Order of 1981] 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 <sup>M8</sup>Criminal Procedure (Scotland) Act 1975.
- (3) Where a transfer of fine order under section 403 of the <sup>M9</sup>Criminal Procedure (Scotland) Act 1975 or [<sup>F44</sup>Article 95 of the Magistrates' Courts (Northern Ireland) Order 1981] 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 [<sup>F45</sup>section 140(1) of the <sup>M10</sup>Powers of Criminal Courts (Sentencing) Act 2000], and as if any order made under the said Act of 1975 or, as the case may be, [<sup>F46</sup>the said Order of 1981] in respect of the fine before the making of the transfer of fine order had been made by that court.

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: Magistrates' Courts Act 1980, Cross Heading: Sums adjudged to be paid by a conviction is up to date with all changes known to be in force on or before 01 July 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)*

#### Textual Amendments

- F41** Words substituted by S.I. 1981/1675 (N.I. 26), art. 170(2), **Sch. 6 Pt. I para. 59(a)(i)**
- F42** Words in s. 91(1) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 95, **109** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F43** Words substituted by S.I. 1981/1675 (N.I. 26), art. 170(2), **Sch. 6 Pt. I para. 59(a)(ii)**
- F44** Words substituted by S.I. 1981/1675 (N.I. 26), art. 170(2), **Sch. 6 para. 59(b)(i)**
- F45** Words in s. 91(3) substituted (28.5.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 69**
- F46** Words substituted by S.I. 1981/1675 (N.I. 26), art. 170(2), **Sch. 6 Pt. I para. 56(b)(ii)**

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

- C11** S. 91 amended by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), **s. 66**  
S. 91 modified (S.) (1.4.1996) by 1995 c. 43, **ss. 14(1)**, 50(2) and by 1995 c. 46, **ss. 252(1)**, 309(2) (with s. 24(2))  
S. 91 amended (S.) (*prosp.*) by 1995 c. 20, **ss. 70(2)**, 80(1) (with s. 113(1)) (which amending Act was repealed (S.) (1.4.1996) by 1995 c. 40, ss. 3(1), 6(1), 7(2), Sch. 3 para. 16(3), **Sch. 5**)
- C12** S. 91 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), **6(c)** (with reg. 3) (as amended (30.3.2005) by S.I. 2005/484, regs. 1(1)(a)(2), 2, 4, 6(3))

#### Marginal Citations

- M7** 1975 c. 21.
- M8** 1975 c. 21.
- M9** 1975 c. 21.
- M10** 2000 c. 6.

**Status:**

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**Changes to legislation:**

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