



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART II

#### CIVIL JURISDICTION AND PROCEDURE

##### *Jurisdiction to issue summons and deal with complaints*

#### [<sup>F1</sup>51 Issue of summons on complaint

Where a complaint relating to a person is made to a justice of the peace, the justice of the peace may issue a summons to the person requiring him to appear before a magistrates' court to answer to the complaint.]

#### Textual Amendments

F1 S. 51 substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), [ss. 47\(1\), 110](#); S.I. 2005/910, [art. 3\(q\)](#)

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

- C1 S. 51 applied (with modifications) by S.I. 2010/60, [rule 62.16](#) (as substituted (4.4.2011) by [The Criminal Procedure \(Amendment No. 2\) Rules 2010](#) (S.I. 2010/3026), [rules 1, 9](#), [Sch. 2](#))
- C2 S. 51 modified (3.10.2011) by [The Criminal Procedure Rules 2011](#) (S.I. 2011/1709), [rule 62.16\(3\)\(a\)](#)
- C3 S. 51 modified (1.10.2012) by [The Criminal Procedure Rules 2012](#) (S.I. 2012/1726), [rule 62.16\(2\)\(3\)\(a\)](#)
- C4 S. 51 modified (7.10.2013) by [The Criminal Procedure Rules 2013](#) (S.I. 2013/1554), [rule 62.16\(2\)\(3\)\(a\)](#) (with [rule 2.1](#))
- C5 S. 51 applied (with modifications) (1.4.1997) by S.I. 1997/704, [rule 5\(2\)\(3\)\(4\)\(a\)](#)
- C6 S. 51 modified (6.10.2014) by [The Criminal Procedure Rules 2014](#) (S.I. 2014/1610), [rule 62.16\(2\)\(3\)\(a\)](#) (with [rule 2.1](#))
- C7 S. 51 modified (5.10.2015) by [The Criminal Procedure Rules 2015](#) (S.I. 2015/1490), [rule 48.16\(2\)\(3\)](#)
- C8 S. 51 modified (5.10.2020) by [The Criminal Procedure Rules 2020](#) (S.I. 2020/759), [rule 48.16\(2\)\(3\)](#)

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**[<sup>F2</sup>52 Jurisdiction to deal with complaints.**

- (1) A magistrates' court has jurisdiction to hear any complaint.
- (2) But subsection (1) is subject to provision made by any enactment.]

**Textual Amendments**

**F2** S. 52 substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), **ss. 47(2)**,110; [S.I. 2005/910](#), **art. 3(q)**

*Hearing of complaint*

**53 Procedure on hearing.**

- (1) On the hearing of a complaint, the court shall, if the defendant appears, state to him the substance of the complaint.
- (2) The court, after hearing the evidence and the parties, shall make the order for which the complaint is made or dismiss the complaint.
- (3) Where a complaint is for an order for the payment of a sum recoverable summarily as a civil debt, or for the variation of the rate of any periodical payments ordered by a magistrates' court to be made, or for such other matter as may be prescribed, the court may make the order with the consent of the defendant without hearing evidence.

<sup>F3</sup>(4) .....

**Textual Amendments**

**F3** S. 53(4) repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 99** Table; [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)**

**C9** S. 53(1)(2) applied (with modifications) (1.4.1997) by [S.I. 1997/704](#), **rule 5(2)(3)(4)(b)**  
**C10** S. 53(3) extended (14.10.1991) by [S.I. 1991/1991](#), rule. 16(1) (as amended (5.12.2005) by [S.I. 2005/2930](#), **Sch. 1** {rule 14})

**54 [<sup>F4</sup>Adjournment and stays]**

- (1) A magistrates' court may at any time, whether before or after beginning to hear a complaint, adjourn the hearing, and may do so, notwithstanding anything in this Act, when composed of a single justice.
- (2) The court may when adjourning either fix the time and place at which the hearing is to be resumed or, unless it remands the defendant under section 55 below, leave the time and place to be determined later by the court; but the hearing shall not be resumed at that time and place unless the court is satisfied that the parties have had adequate notice thereof.

<sup>F5</sup>(3) .....

<sup>F5</sup>(4) .....

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#### Textual Amendments

- F4** S. 54 heading substituted (6.4.2011) by [The Family Procedure \(Modification of Enactments\) Order 2011 \(S.I. 2011/1045\)](#), arts. 1, **6(a)** (with art. 39)
- F5** S. 54(3)(4) repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 99** Table; [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)

- C11** S. 54 applied (with modifications) (1.4.1997) by [S.I. 1997/704](#), **rule 5(2)(3)(4)(c)**
- C12** S. 54 applied (with modifications) by [S.I. 2010/60](#), rule 62.16 (as substituted (4.4.2011) by [The Criminal Procedure \(Amendment No. 2\) Rules 2010 \(S.I. 2010/3026\)](#), rules 1, 9, **Sch. 2**)
- C13** S. 54 modified (3.10.2011) by [The Criminal Procedure Rules 2011 \(S.I. 2011/1709\)](#), **rule 62.16(3)(b)**
- C14** S. 54 modified (1.10.2012) by [The Criminal Procedure Rules 2012 \(S.I. 2012/1726\)](#), **rule 62.16(2)(3)(b)**
- C15** S. 54 modified (7.10.2013) by [The Criminal Procedure Rules 2013 \(S.I. 2013/1554\)](#), **rule 62.16(2)(3)(b)** (with [rule 2.1](#))
- C16** S. 54 modified (6.10.2014) by [The Criminal Procedure Rules 2014 \(S.I. 2014/1610\)](#), **rule 62.16(2)(3)(b)** (with [rule 2.1](#))
- C17** S. 54 modified (5.10.2015) by [The Criminal Procedure Rules 2015 \(S.I. 2015/1490\)](#), **rule 48.16(2)(3)**
- C18** S. 54 modified (5.10.2020) by [The Criminal Procedure Rules 2020 \(S.I. 2020/759\)](#), **rule 48.16(2)(3)**

## 55 Non-appearance of defendant.

- (1) Where at the time and place appointed for the hearing or adjourned hearing of a complaint the complainant appears but the defendant does not, the court may, subject to subsection (3) below, proceed in his absence.
- (2) Where the court, instead of proceeding in the absence of the defendant, adjourns, or further adjourns, the hearing, the court may, if the complaint has been substantiated on oath, and subject to the following provisions of this section, issue a warrant for his arrest.
- (3) The court shall not begin to hear the complaint in the absence of the defendant or issue a warrant under this section 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 to the complaint.
- (4) Where the defendant fails to appear at an adjourned hearing, the court shall not issue a warrant under this section unless it is satisfied that he has had adequate notice of the time and place of the adjourned hearing.
- (5) Where the defendant is arrested under a warrant issued under this section, the court may, on any subsequent adjournment of the hearing, but subject to the provisions of subsection (6) below, remand him.
- (6) The court shall not issue a warrant or remand a defendant under this section or further remand him by virtue of section 128(3) below after he has given evidence in the proceedings.

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- (7) Where the court remands the defendant, the time fixed for the resumption of the hearing shall be that at which he is required to appear or be brought before the court in pursuance of the remand.
- (8) A warrant under this section shall not be issued in any proceedings for the recovery or enforcement of a sum recoverable summarily as a civil debt or in proceedings in any matter of bastardy.
- <sup>F6</sup>(9) .....

#### Textual Amendments

- F6** S. 55(9) repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 99](#) Table; [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)

- C19** S. 55 applied (with modifications) (1.4.1997) by [S.I. 1997/704](#), [rule 5\(2\)\(3\)\(4\)\(d\)\(5\)](#)
- C20** S. 55 applied (with modifications) by [S.I. 2010/60](#), rule 62.16 (as substituted (4.4.2011) by [The Criminal Procedure \(Amendment No. 2\) Rules 2010 \(S.I. 2010/3026\)](#), rules 1, 9, [Sch. 2](#))
- C21** S. 55 modified (3.10.2011) by [The Criminal Procedure Rules 2011 \(S.I. 2011/1709\)](#), [rule 62.16\(3\)\(c\)](#)
- C22** S. 55 modified (1.10.2012) by [The Criminal Procedure Rules 2012 \(S.I. 2012/1726\)](#), [rule 62.16\(2\)\(3\)\(c\)](#)
- C23** S. 55 modified (7.10.2013) by [The Criminal Procedure Rules 2013 \(S.I. 2013/1554\)](#), [rule 62.16\(2\)\(3\)\(c\)](#) (with [rule 2.1](#))
- C24** S. 55 excluded by [S.I. 2012/2814](#), Sch. 2 para. 3(2B) (as inserted (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court: Consequential Provision\) \(No.2\) Order 2014 \(S.I. 2014/879\)](#), arts. 1(1), [143\(b\)](#))
- C25** S. 55 modified (6.10.2014) by [The Criminal Procedure Rules 2014 \(S.I. 2014/1610\)](#), [rule 62.16\(2\)\(3\)\(c\)](#) (with [rule 2.1](#))
- C26** S. 55 modified (5.10.2015) by [The Criminal Procedure Rules 2015 \(S.I. 2015/1490\)](#), [rule 48.16\(2\)\(3\)](#)
- C27** S. 55 modified (5.10.2020) by [The Criminal Procedure Rules 2020 \(S.I. 2020/759\)](#), [rule 48.16\(2\)\(3\)](#)
- C28** S. 55(2) restricted by [S.I. 1989/438](#), [art. 29\(4\)](#)
- C29** S. 55(2) excluded (3.11.1994) by [1994 c. 33](#), s. [78\(6\)](#)
- C30** S. 55(2) excluded (6.4.2010) by [The Community Infrastructure Levy Regulations 2010 \(S.I. 2010/948\)](#), regs. 1, [97\(4\)](#)
- C31** S. 55(3)(4) applied (with modifications) (25.8.2000) by [2000 c. 6](#), ss. 65, 168(1), [Sch. 7 para. 7\(3\)](#)  
S. 55(3)(4) applied (with modifications) (25.8.2000) by [2000 c. 6](#), ss. 72, 75, 168(1), [Sch. 8 para. 6\(3\)](#)

## 56 Non-appearance of complainant.

<sup>F7</sup><sup>F8</sup>... Where] at the time and place appointed for the hearing or adjourned hearing of a complaint the defendant appears but the complainant does not, the court may dismiss the complaint or, if evidence has been received on a previous occasion, proceed in the absence of the complainant.

#### Textual Amendments

- F7** Words in s. 56 repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 99](#) Table; [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

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**F8** Words in s. 56 substituted (6.4.2011) by [The Family Procedure \(Modification of Enactments\) Order 2011 \(S.I. 2011/1045\)](#), arts. 1, **8** (with art. 39)

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

**C32** S. 56 modified by S.I. 2012/2814, Sch. 2 para. 3(2C) (as inserted (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court: Consequential Provision\) \(No.2\) Order 2014 \(S.I. 2014/879\)](#), arts. 1(1), **143(b)**)

**57 Non-appearance of both parties.**

<sup>F9</sup>[<sup>F10</sup> ... Where] at the time and place appointed for the hearing or adjourned hearing of a complaint neither the complainant nor the defendant appears, the court may dismiss the complaint.

**Textual Amendments**

**F9** Words in s. 57 repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 99** Table; [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

**F10** Words in s. 57 substituted (6.4.2011) by [The Family Procedure \(Modification of Enactments\) Order 2011 \(S.I. 2011/1045\)](#), arts. 1, **9** (with art. 39)

*[<sup>F11</sup> Use of live links in certain proceedings*

**Textual Amendments**

**F11** Ss. 57ZA-57ZF and cross-heading inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 26** (with ss. 88-90) (which affecting provision expires (10.12.2021) by virtue of [The Coronavirus Act 2020 \(Early Expiry\) \(No. 2\) Regulations 2021 \(S.I. 2021/1399\)](#), regs. 1(2), **4**)

**57ZA Use of live links in appeals against requirements or restrictions imposed on a potentially infectious person**

- (1) This section and sections 57ZB to 57ZF apply in relation to proceedings on an appeal under paragraph 17(1) or 61(1) of Schedule 21 to the Coronavirus Act 2020 (appeal against requirement or restriction imposed on potentially infectious person).
- (2) The proceedings are to be conducted wholly as video proceedings unless the court directs otherwise under subsection (3).
- (3) The court must, where it considers that it would be contrary to the interests of justice not to do so, direct that one or more persons taking part in the proceedings—
  - (a) is not to take part in all or any part of the proceedings through a live video link;
  - (b) is to take part in all or any part of the proceedings through a live audio link.
- (4) The court's power to make a direction under subsection (3) may be exercised by—
  - (a) a single justice;
  - (b) an authorised court officer.
- (5) In subsection (4)(b), an “authorised court officer” means a person who—

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- (a) is an authorised person for the purposes of Part 6A of the Courts Act 2003 (see section 67B(3) of that Act), and
- (b) has a qualification specified in regulation 2 of the Authorised Court Staff (Legal Advice Functions) Qualifications Regulations 2020 (S.I. 2020/98).

### **57ZB Use of live links: supplementary provision**

- (1) A person who takes part in proceedings through a live video link or a live audio link is to be treated as—
  - (a) complying with any requirement (however imposed or expressed) for that person to attend or appear before the court for the purposes of that participation in those proceedings, and
  - (b) present in court for the purposes of those proceedings.
- (2) Proceedings that are conducted—
  - (a) wholly as video proceedings, or
  - (b) wholly as audio proceedings,
 are to be regarded as taking place at the location where the justice or justices take part in the proceedings.
- (3) A statement made on oath by a witness outside the United Kingdom and given in evidence through a live video link or a live audio link is to be treated for the purposes of section 1 of the Perjury Act 1911 as having been made in the proceedings in which it is given in evidence.

### **57ZC Enabling the public to see and hear proceedings**

- (1) If the proceedings are to be conducted wholly as video proceedings, the court—
  - (a) may direct that the proceedings are to be broadcast (in the manner specified in the direction) for the purpose of enabling members of the public to see and hear the proceedings;
  - (b) may direct that a recording of the proceedings is to be made (in the manner specified in the direction) for the purpose of enabling the court to keep an audio-visual record of the proceedings.
- (2) If the court directs that proceedings are to be conducted wholly as audio proceedings, the court—
  - (a) may direct that the proceedings are to be broadcast (in the manner specified in the direction) for the purpose of enabling members of the public to hear the proceedings;
  - (b) may direct that a recording of the proceedings is to be made (in the manner specified in the direction) for the purpose of enabling the court to keep an audio record of the proceedings.
- (3) A direction under this section may relate to the whole, or to part, of the proceedings concerned.
- (4) The court's power under this section may be exercised by a single justice.

### **57ZD Offences of recording or transmission in relation to broadcasting**

- (1) It is an offence for a person to make, or attempt to make—

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- (a) an unauthorised recording, or
  - (b) an unauthorised transmission,of an image or sound which is being broadcast in accordance with a direction under section 57ZC.
- (2) It is an offence for a person to make, or attempt to make—
  - (a) an unauthorised recording, or
  - (b) an unauthorised transmission,of an image of, or sound made by, another person while the other person is viewing or listening to a broadcast made in accordance with a direction under section 57ZC.
- (3) It is a defence for a person charged with an offence under subsection (1) or (2) to prove that, at the time of the actual or attempted recording or transmission of the image or sound concerned—
  - (a) he or she was not in designated live-streaming premises, and
  - (b) he or she did not know, and could not reasonably have known, that the image or sound was—
    - (i) being broadcast in accordance with a direction under section 57ZC (in the case of an offence under subsection (1)), or
    - (ii) an image of, or sound made by, another person while viewing or listening to a broadcast made in accordance with a direction under section 57ZC (in the case of an offence under subsection (2)).
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) For the purposes of this section it does not matter whether a person making, or attempting to make, a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.
- (6) For the purposes of this section a recording or transmission is “unauthorised” unless it is—
  - (a) authorised by a direction under section 57ZC,
  - (b) otherwise authorised (generally or specifically) by the court, or
  - (c) authorised (generally or specifically) by the Lord Chancellor.
- (7) The court's power under subsection (6)(b) may be exercised by a single justice.

### **57ZE Offences of recording or transmitting participation through live links**

- (1) It is an offence for a person to make, or attempt to make—
  - (a) an unauthorised recording, or
  - (b) an unauthorised transmission,of an image or sound which is being transmitted through a live video link or transmitted through a live audio link.
- (2) It is an offence for a person (P) to make, or attempt to make—
  - (a) an unauthorised recording, or
  - (b) an unauthorised transmission,

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of an image of, or sound made by, any person (whether P or another person) while that person is participating in court proceedings through a live video link or a live audio link.

- (3) It is a defence for a person charged with an offence under subsection (1) or (2) to prove that, at the time of the actual or attempted recording or transmission, he or she did not know, and could not reasonably have known, that the image or sound concerned—
  - (a) was being transmitted through a live video link or through a live audio link (in the case of an offence under subsection (1)), or
  - (b) was an image of, or sound made by, a person while that person was participating in court proceedings through a live video link or a live audio link (in the case of an offence under subsection (2)).
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) For the purposes of this section it does not matter whether a person making, or attempting to make, a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.
- (6) For the purposes of this section a recording or transmission is “unauthorised” unless it is—
  - (a) authorised (generally or specifically) by the court, or
  - (b) authorised (generally or specifically) by the Lord Chancellor.
- (7) The court's power under subsection (6)(a) may be exercised by a single justice.

### **57ZF Interpretation**

- (1) This section applies for the purposes of sections 57ZA to 57ZE (and this section).
- (2) Proceedings are conducted wholly as video proceedings where all of the persons taking part in the proceedings do so through a live video link.
- (3) A “live video link”, in relation to a person (P) taking part in proceedings, is a live television link or other arrangement which—
  - (a) enables P to see and hear all other persons taking part in the proceedings who are not in the same location as P, and
  - (b) enables all other persons taking part in the proceedings who are not in the same location as P to see and hear P,
 (ignoring for these purposes the extent (if any) to which a person is unable to see or hear by reason of any impairment of eyesight or hearing).
- (4) Proceedings are conducted wholly as audio proceedings if all of the persons taking part in the proceedings do so through a live audio link.
- (5) A “live audio link”, in relation to a person (P) taking part in proceedings, is a live telephone link or other arrangement which—
  - (a) enables P to hear all other persons taking part in the proceedings who are not in the same location as P, and
  - (b) enables all other persons taking part in the proceedings who are not in the same location as P to hear P,
 (ignoring for these purposes the extent (if any) to which a person is unable to hear by reason of any impairment of hearing).



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- (6) A reference to a person taking part in proceedings includes—
- (a) giving evidence in the proceedings, and
  - (b) attending the proceedings when not giving evidence.
- (7) A reference to the persons taking part in proceedings includes—
- (a) the complainant,
  - (b) the defendant,
  - (c) the justices,
  - (d) any person acting as justices' clerk or assistant to a justices' clerk or providing legal advice to the justices pursuant to an authorisation under section 28 of the Courts Act 2003,
  - (e) any witnesses in the proceedings,
  - (f) any legal representatives acting in the proceedings, and
  - (g) any interpreter or other person appointed by the court to assist in the proceedings.
- (8) The following expressions have the meanings given—
- “designated live-streaming premises” means premises that are designated by the Lord Chancellor for the purposes of this section as premises provided by the Lord Chancellor for the purpose of enabling members of the public to see and hear, or hear, proceedings that are broadcast in accordance with directions under section 57ZC;
- “recording” means a recording on any medium—
- (a) of a single image, a moving image or any sound, or
  - (b) from which a single image, a moving image or any sound may be produced or reproduced;
- “transmission” means any transmission by electronic means of a single image, a moving image or any sound (and “transmitted” is to be construed accordingly).
- (9) An image or sound is transmitted—
- (a) through a live video link if it is transmitted as part of a person's participation in court proceedings through a live video link;
  - (b) through a live audio link if it is transmitted as part of a person's participation in court proceedings through a live audio link.]

*[<sup>F12</sup>Transfer of civil proceedings (other than family proceedings)]*

#### **Textual Amendments**

**F12** S. 57A and cross-heading inserted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), [ss. 48, 110](#); [S.I. 2005/910](#), [art. 3\(q\)](#)

### **57A Power to transfer civil proceedings (other than family proceedings)**

- (1) A magistrates' court may at any time, whether before or after beginning to hear a complaint, transfer the hearing to another magistrates' court.

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(2) But if the court transfers the matter after it has begun to hear the evidence and the parties, the court to which the matter is transferred must begin hearing the evidence and the parties again.

<sup>F13</sup>(3) .....

(4) The power of the court under this section to transfer a hearing must be exercised in accordance with any directions given under section 30(3) of the Courts Act 2003.]

**Textual Amendments**

**F13** S. 57A(3) repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 99](#) Table; [S.I. 2014/954, art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

*Civil debt*

**58 Money recoverable summarily as civil debt.**

(1) A magistrates' court shall have power to make an order on complaint for the payment of any money recoverable summarily as a civil debt.

(2) Any sum payment of which may be ordered by a magistrates' court shall be recoverable summarily as a civil debt except—

<sup>F14</sup>(a) .....

(b) a sum that may be adjudged to be paid by a summary conviction or by an order enforceable as if it were a summary conviction.

**Textual Amendments**

**F14** S. 58(2)(a) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 40](#); [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)**

**C33** S. 58 applied (2.1.2013) by [The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 \(S.I. 2012/3032\)](#), reg. 1, [Sch. 3 para. 5\(3\)\(a\)](#) (with regs. 5, 8)

*Orders for periodical payment*

[<sup>F15</sup>**59 Orders for periodical payment: means of payment.**

(1) In any case where a magistrates' court orders money to be paid periodically by one person (in this section referred to as “the debtor”) to another (in this section referred to as “the creditor”), <sup>F16</sup>... the court shall at the same time exercise one of its powers under paragraphs (a) and (b) of [<sup>F17</sup>subsection (3) below] .

<sup>F18</sup>(2) .....

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- (3) The powers of the court are—
- (a) the power to order that payments under the order be made directly by the debtor to the creditor;
  - (b) the power to order that payments under the order be made to [<sup>F19</sup>the designated officer for the court or for any other magistrates' court];
  - <sup>F20</sup>(c) .....
  - <sup>F21</sup>(cc) .....
  - <sup>F20</sup>(d) .....

<sup>F22</sup>(3A) .....

- (4) In any case where—
- (a) the court proposes to exercise its power under paragraph (c) of subsection (3) above, and
  - (b) having given the debtor an opportunity of opening an account from which payments under the order may be made in accordance with the method of payment proposed to be ordered under that paragraph, the court is satisfied that the debtor has failed, without reasonable excuse, to open such an account,
- the court in exercising its power under that paragraph may order that the debtor open such an account.

<sup>F23</sup>(5) .....

- (6) The methods of payment referred to in subsection (3)(c) above are the following, that is to say—
- (a) payment by standing order; or
  - (b) payment by any other method which requires one person to give his authority for payments of a specific amount to be made from an account of his to an account of another's on specific dates during the period for which the authority is in force and without the need for any further authority from him.

<sup>F24</sup>(7) .....

<sup>F24</sup>(8) .....

<sup>F24</sup>(9) .....

<sup>F24</sup>(10) .....

<sup>F24</sup>(11) .....

<sup>F24</sup>(12) .....]

#### Textual Amendments

- F15** S. 59 substituted (1.4.1992) by [Maintenance Enforcement Act 1991 \(c. 17, SIF 49:3\)](#), s. 2; S.I. 1992/455, art. 2
- F16** Words in s. 59(1) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 41\(2\)\(a\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F17** Words in s. 59(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 41\(2\)\(b\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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- F18** S. 59(2) omitted (22.4.2014) by virtue of **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 10 para. 41(3)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F19** Words in s. 59(3)(b) substituted (1.4.2005) by **Courts Act 2003 (c. 39)**, ss. 109(1), 110, **Sch. 8 para. 208(2)**; S.I. 2005/910, art. 3(y)
- F20** S. 59(3)(c)-(d) omitted (22.4.2014) by virtue of **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 10 para. 41(4)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F21** S. 59(3)(cc) omitted (22.4.2014) by virtue of **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 10 para. 41(3)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F22** S. 59(3A) omitted (22.4.2014) by virtue of **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 10 para. 41(3)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F23** S. 59(5) omitted (22.4.2014) by virtue of **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 10 para. 41(3)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F24** S. 59(7)-(12) omitted (22.4.2014) by virtue of **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 10 para. 41(3)**; 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)**

- C34** S. 59 excluded (5.11.1993) by **Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)**, s. **27C(2)** (as substituted (5.11.1993) by **Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56)**, s. 1, **Sch. 1 Pt. II para. 13**); S.I. 1993/618, art. 2
- C35** S. 59(3) extended (5.12.2005) by **Civil Partnership Act 2004 (c. 33)**, ss. 72(3), 263, **Sch. 6 paras. 35-38**; S.I. 2005/3175, art. 2, Sch. 1
- C36** S. 59(4) applied (1.4.1992) by **Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)**, SIF 49:3, s. **20ZA(6)** (inserted (1.4.1992) by **Maintenance Enforcement Act 1991 (c. 17)**, SIF 49:3), s. 5; S.I. 1992/455, art. 2)  
S. 59(4) applied (with modifications) (1.4.1992) by **Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)**, SIF 49:3, s. **4(5D)** (inserted (1.4.1992) by **Maintenance Enforcement Act 1991 (c. 17)**, SIF 49:3), s. 10, **Sch. 1 para. 1(1)**; S.I. 1992/455, art. 2)  
S. 59(4) applied (with modifications) (1.4.1992) by **Maintenance Orders Act 1950 (c. 37)**, SIF 49:3, s. **22(1D)** (inserted (1.4.1992) by **Maintenance Enforcement Act 1991 (c. 17)**, SIF 49:3), s. 10, **Sch. 1 para. 5**; S.I. 1992/455, art. 2)
- C37** S. 59(4) applied (with modifications) (5.11.1993) by **Maintenance Order (Reciprocal Enforcement) Act 1972 (c. 18)**, s. **27C(6)** (as substituted (5.11.1993) by **Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56)**, s. 1, **Sch. 1 Pt. II para. 13**); S.I. 1993/618, art. 2)
- C38** S. 59(4) applied (5.12.2005) by **Civil Partnership Act 2004 (c. 33)**, ss. 72(3), 263, **Sch. 6 para. 38(1)**; S.I. 2005/3175, art. 2, Sch. 1

#### **[<sup>F25</sup>59A Orders for periodical payment: proceedings by [<sup>F26</sup>designated officer].**

- (1) Where payments under [<sup>F27</sup>an order made by a magistrates' court] are required to be made periodically—
- (a) to or through [<sup>F28</sup>the designated officer for a magistrates' court], or
  - (b) by any method of payment falling within section 59(6) above,
- and any sums payable under the order are in arrear, [<sup>F29</sup>the relevant designated officer] shall, if the person for whose benefit the payments are required to be made so requests

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- in writing, and unless it appears <sup>F30</sup>to that designated officer] that it is unreasonable in the circumstances to do so, proceed in his own name for the recovery of those sums.
- (2) Where payments under <sup>F27</sup>an order made by a magistrates' court] are required to be made periodically to or through <sup>F31</sup>the designated officer for a magistrates' court], the person for whose benefit the payments are required to be made may, at any time during the period in which the payments are required to be so made, give authority in writing to <sup>F32</sup>the relevant designated officer for him] to proceed as mentioned in subsection (3) below.
- (3) Where authority under subsection (2) above is given to <sup>F33</sup>the relevant designated officer, he] shall, unless it appears to him that it is unreasonable in the circumstances to do so, proceed in his own name for the recovery of any sums payable to or through him under the order in question which, on or after the date of the giving of the authority, fall into arrear.
- (4) In any case where—
- (a) authority under subsection (2) above has been given to <sup>F34</sup>the relevant designated officer], and
- (b) the person for whose benefit the payments are required to be made gives notice in writing to the <sup>F35</sup>relevant designated officer cancelling] the authority, the authority shall cease to have effect and, accordingly, the <sup>F36</sup>relevant designated officer shall] not continue any proceedings already commenced by virtue of the authority.
- (5) The person for whose benefit the payments are required to be made shall have the same liability for all the costs properly incurred in or about proceedings taken under subsection (1) above at his request or under subsection (3) above by virtue of his authority (including any costs incurred as a result of any proceedings commenced not being continued) as if the proceedings had been taken by him.
- (6) Nothing in subsection (1) or (3) above shall affect any right of a person to proceed in his own name for the recovery of sums payable on his behalf under an order of any court.
- (7) In this section—
- <sup>F37</sup>“the relevant designated officer”, in relation to an order, means—
- (a) in a case where payments under the order are required to be made to or through the designated officer for a magistrates' court, the designated officer for that magistrates' court; <sup>F38</sup>and]
- (b) in a case where such payments are required to be made by any method of payment falling within section 59(6) and the order was made by a magistrates' court, the designated officer for that magistrates' court; <sup>F39</sup>...
- (c) <sup>F39</sup>...]
- <sup>F40</sup>...
- <sup>F41</sup>...]

#### Textual Amendments

**F25** S. 59A inserted (1.4.1992) by [Maintenance Enforcement Act 1991 \(c. 17, SIF 49:3\)](#), s. 2; S.I. 1992/455, art. 2

**F26** Words in s. 59A heading substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 209\(7\)](#); S.I. 2005/910, art. 3(y)

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- F27** Words in s. 59A(1)(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 42\(2\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F28** Words in s. 59A(1)(a) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 209\(2\)\(a\)](#); S.I. 2005/910, art. 3(y)
- F29** Words in s. 59A(1) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 209\(2\)\(b\)](#); S.I. 2005/910, art. 3(y)
- F30** Words in s. 59A(1) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 209\(2\)\(c\)](#); S.I. 2005/910, art. 3(y)
- F31** Words in s. 59A(2) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 209\(3\)\(a\)](#); S.I. 2005/910, art. 3(y)
- F32** Words in s. 59A(2) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 209\(3\)\(b\)](#); S.I. 2005/910, art. 3(y)
- F33** Words in s. 59A(3) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 209\(4\)](#); S.I. 2005/910, art. 3(y)
- F34** Words in s. 59A(4)(a) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 209\(5\)\(a\)](#); S.I. 2005/910, art. 3(y)
- F35** Words in s. 59A(4)(b) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 209\(5\)\(b\)](#); S.I. 2005/910, art. 3(y)
- F36** Words in s. 59A(4)(b) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 209\(5\)\(c\)](#); S.I. 2005/910, art. 3(y)
- F37** S. 59A(7): definition of "the relevant designated officer" substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 209\(6\)](#); S.I. 2005/910, art. 3(y)
- F38** Word in s. 59A(7) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 42\(3\)\(a\)\(i\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F39** Words in s. 59A(7) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 42\(3\)\(a\)\(ii\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F40** Words in s. 59A(7) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 42\(3\)\(b\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F41** Words in s. 59A(7) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 42\(3\)\(c\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

#### <sup>F42</sup>**59B Maintenance orders: penalty for breach.**

.....

#### **Textual Amendments**

- F42** S. 59B omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 43](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

#### <sup>F43</sup>**60 Revocation, variation, etc. of orders for periodical payment.**

- (1) Where a magistrates' court has made an order for money to be paid periodically by one person to another, the court may, by order on complaint, revoke, revive or vary the order.

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(2) The power under subsection (1) above to vary an order shall include power to suspend the operation of any provision of the order temporarily and to revive the operation of any provision so suspended.

- F44(3) .....
- F44(4) .....
- F44(5) .....
- F44(6) .....
- F44(7) .....
- F44(8) .....
- F44(9) .....
- F44(10) .....
- F44(10A) .....
- F44(10B) .....

(11) For the purposes of this section—

- (a) “creditor” and “debtor” have the same meaning as they have in section 59 above; <sup>F45</sup> ...
- <sup>F45</sup>(b) .....

#### Textual Amendments

- F43** S. 60 substituted (1.4.1992) by [Maintenance Enforcement Act 1991 \(c. 17, SIF 49:3\)](#), s. 4; S.I. 1992/455, [art. 2](#)
- F44** S. 60(3)-(10B) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 44\(a\)](#); S.I. 2014/954, [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F45** S. 60(11)(b) and word omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 44\(b\)](#); 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)

- C39** S. 60 excluded (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 15(2) (with s. 108(6), [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, [art. 3\(2\)](#)  
S. 60 modified (1.4.1992) by [Maintenance Orders \(Facilities for Enforcement\) Act 1920 \(c. 33, SIF 49:3\)](#), s. 4(6A) (as substituted (1.4.1992) by [Maintenance Enforcement Act 1991 \(c. 17, SIF 49:3\)](#), s. 10, [Sch. 1 para. 1\(2\)](#); S.I. 1992/455, [art. 2](#))  
S. 60 modified (1.4.1992) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1972 \(c. 18, SIF 49:3\)](#), s. 9(1ZA) (as inserted (1.4.1992) by [Maintenance Enforcement Act 1991 \(c. 17, SIF 49:3\)](#), s. 10, [Sch. 1 para. 14](#); S.I. 1992/455, [art. 2](#))
- C40** S. 60 restricted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 72(3), 263, [Sch. 6 para. 42\(a\)](#); S.I. 2005/3175, [art. 2](#), [Sch. 1](#)
- C41** S. 60(1) modified (5.11.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1972 \(c. 18\)](#), s. 5(3A) (as inserted (5.11.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c. 56\)](#), s. 1, [Sch. 1 Pt. II para. 7](#); S.I. 1993/618, [art. 2](#)

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- C42** S. 60(3)-(11) excluded by 1972 c. 18, s. 34A(1) (as inserted (1.4.1992) by 1991 c. 17, **Sch. 1 para. 19(2)**; S.I. 1992/455, **art. 2**)
- C43** S. 60(4)-(11) applied (with modifications) (1.4.1992) by Maintenance Orders Act 1950 (c. 37, SIF 49:3), **s. 22(1E)** (as inserted (1.4.1992) by Maintenance Enforcement Act 1991 (c. 17, SIF 49:3), s. 10, **Sch. 1 para. 5**; S.I. 1992/455, **art. 2**)
- S. 60(4)-(11) applied (with modifications) (1.4.1992) by Maintenance Orders Act 1958 (c. 39, SIF 49:3), **s. 4(5A)** (as inserted (1.4.1992) by Maintenance Enforcement Act 1991 (c. 17, SIF 49:3), s. 10, **Sch. 1 para. 9(2)**; S.I. 1992/455, **art. 2**)

## 61 Periodical payments payable by one person under more than one order.

(1) [<sup>F46</sup>Rules of court may] make provision—

- (a) for enabling a person to make one complaint for the recovery of payments required to be made to him by another person under more than one periodical payments order; and
- (b) for apportioning between two or more periodical payments orders, in such manner as may be prescribed by the rules, any sum paid to [<sup>F47</sup>the designated officer for a magistrates' court] on any date by the person liable to make payments under the orders which is less than the total sum required to be paid on that date to [<sup>F48</sup>that designated officer] by that person in respect of those orders (being orders one of which requires payments to be made for the benefit of a child to the person with whom the child has his home and one or more of which requires payments to be made to that person either for his own benefit or for the benefit of another child who has his home with him) [<sup>F49</sup>and sums paid into court in pursuance of orders under section 35 of the Powers of Criminal Courts Act 1973 (compensation orders)].

(2) In this section—

“child” means a person who has not attained the age of 18;

“periodical payments order” means an order made by a magistrates' court <sup>F50</sup>... which requires the making of periodical payments,

and any payments required under a periodical payments order to be made to a child shall for the purposes of subsection (1) above be treated as if they were required to be made to the person with whom the child has his home.

### Textual Amendments

- F46** Words in s. 61(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 212(1)**; S.I. 2005/910, **art. 3(y)**
- F47** Words in s. 61(1)(b) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 212(2)(a)**; S.I. 2005/910, **art. 3(y)**
- F48** Words in s. 61(1)(b) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 212(2)(b)**; S.I. 2005/910, **art. 3(y)**
- F49** Words added by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 123(6), 170(1), Sch. 8 para. 16, **Sch. 15 para. 63**
- F50** Words in s. 61(2) omitted (22.4.2014) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 45**; 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)

- C44** S. 61 amended by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 81(8), 123(6), **Sch. 8 para. 16**



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### Payments to children

## 62 Provisions as to payments required to be made to a child, etc.

- (1) Where—
- (a) periodical payments are required to be made, or a lump sum is required to be paid, to a child under an order made by a magistrates' court, <sup>F51</sup>...
  - <sup>F51</sup>(b) .....  
any sum required under the order to be paid to the child may be paid to the person with whom the child has his home, and that person—
    - (i) may proceed in his own name for the variation, revival or revocation of the order, and
    - (ii) may either proceed in his own name for the recovery of any sum required to be paid under the order or [<sup>F52</sup>request or authorise the [<sup>F53</sup>designated officer for] the magistrates' court under subsection (1) or subsection (2) respectively of section 59A above], to proceed for the recovery of that sum.
- (2) Where a child has a right under any enactment to apply for the revival of an order made by a magistrates' court which provided for the making of periodical payments to or for the benefit of the child, the person with whom the child has his home may proceed in his own name for the revival of that order.
- (3) Where any person by whom periodical payments are required to be paid to a child under an order made by <sup>F54</sup>... a magistrates' court makes a complaint for the variation or revocation of that order, the person with whom the child has his home may answer the complaint in his own name.
- (4) Nothing in subsections (1) and (2) above shall affect any right of a child to proceed in his own name for the variation, revival or revocation of an order or for the recovery of any sum payable thereunder.
- <sup>F55</sup>(5) In this section references to the person with whom a child has his home—
- (a) in the case of any child who is being looked after by a local authority (within the meaning of section 22 of the Children Act 1989 [<sup>F56</sup>or section 74 of the Social Services and Well-being (Wales) Act 2014] ), are references to that local authority; and
  - (b) in any other case, are references to the person who, disregarding any absence of the child at a hospital or boarding school and any other temporary absence, has care of the child.]
- <sup>F57</sup>(6) .....
- (7) In this section “child” means a person who has not attained the age of 18.

#### Textual Amendments

- F51** S. 62(1)(b) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 46\(2\)](#); [S.I. 2014/954](#), [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F52** Words in s. 62(1)(ii) substituted (1.4.1992) by [Maintenance Enforcement Act 1991 \(c. 17, SIF 49:3\)](#), s. 11(1), [Sch. 2, para. 5](#); [S.I. 1992/455](#), [art. 2](#)
- F53** Words in s. 62(1)(ii) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 213](#); [S.I. 2005/910](#), [art. 3\(y\)](#)

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- F54** Words in s. 62(3) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 46\(3\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F55** S. 62(5) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(5), [Sch. 13 para. 44\(2\)](#) (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, [art. 3\(2\)](#)
- F56** Words in s. 62(5)(a) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), [33](#)
- F57** S. 62(6) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 46\(4\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

### *Orders other than for payment of money*

## **63 Orders other than for payment of money.**

- (1) Where under any Act passed after 31st December 1879 a magistrates' court has power to require the doing of anything other than the payment of money, or to prohibit the doing of anything, any order of the court for the purpose of exercising that power may contain such provisions for the manner in which anything is to be done, for the time within which anything is to be done, or during which anything is not to be done, and generally for giving effect to the order, as the court thinks fit.
- (2) The court may by order made on complaint suspend or rescind any such order as aforesaid.
- (3) Where any person disobeys an order of a magistrates' court made under an Act passed after 31st December 1879 to do anything other than the payment of money or to abstain from doing anything the court may—
- order him to pay a sum not exceeding £50 for every day during which he is in default or a sum not exceeding [<sup>F58</sup>£5,000]; or
  - commit him to custody until he has remedied his default or for a period not exceeding 2 months;
- but a person who is ordered to pay a sum for every day during which he is in default or who is committed to custody until he has remedied his default shall not by virtue of this section be ordered to pay more than £1,000 or be committed for more than 2 months in all for doing or abstaining from doing the same thing contrary to the order (without prejudice to the operation of this section in relation to any subsequent default).
- (4) Any sum ordered to be paid under subsection (3) above shall for the purposes of this Act be treated as adjudged to be paid by a conviction of a magistrates' court.
- (5) The preceding provisions of this section shall not apply to any order for the enforcement of which provision is made by any other enactment.

### **Textual Amendments**

- F58** Word in s. 63(3)(a) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 17(3)(a), 101(1), [Sch. 4 Pt.I](#), [Sch. 12 para. 6](#) (with s. 28); S.I. 1992/333, art. 2(2), [Sch.2](#)

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

- C45** S. 63(1)-(4) applied by [2000 c. 6, Sch. 1 Pt 1A para. 9F\(2\)](#) (as inserted (27.2.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 324, 336, [Sch. 34 para. 6](#); S.I. 2004/81, [art. 5\(2\)\(d\)](#))

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- C46** S. 63(2) excluded by [Public Order Act 1986 \(c. 64, SIF 39:2\)](#), **s. 33(6)**
- C47** S. 63(2) excluded by [Football Spectators Act 1989 \(c. 37, SIF 45A\)](#), **s. 17(6)**  
S. 63(2) restricted (1.10.1997) by 1996 c. 27, **s. 59(3)** (with Sch. 9 paras. 8, 9, 10); S.I. 1997/1892, **art. 3(1)(a)**
- C48** S. 63(1)-(4) applied by 2000 c. 6, Sch. 1 Pt 1A para. 9F(2) (as inserted (27.2.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 324, 336, **Sch. 34 para. 6**; S.I. 2004/81, **art. 5(2)(d)**)
- C49** S. 63(2) restricted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 73(3), 263, **Sch. 6 para. 42(b)**; S.I. 2005/3175, **art. 2**, Sch. 1
- C50** S. 63(3) amended by [Contempt of Court Act 1981 \(c. 49, SIF 39:3\)](#), **s. 17(1)**
- C51** S. 63(3) extended (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#) ss. 14(1), 108(6) (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- C52** S. 63(1)-(4) applied by 2000 c. 6, Sch. 1 Pt 1A para. 9F(2) (as inserted (27.2.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 324, 336, **Sch. 34 para. 6**; S.I. 2004/81, **art. 5(2)(d)**)
- C53** S. 63(1)-(4) applied by 2000 c. 6, Sch. 1 Pt 1A para. 9F(2) (as inserted (27.2.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 324, 336, **Sch. 34 para. 6**; S.I. 2004/81, **art. 5(2)(d)**)

## Costs

### 64 Power to award costs and enforcement of costs.

- (1) On the hearing of a complaint, a magistrates' court shall have power in its discretion to make such order as to costs—
  - (a) on making the order for which the complaint is made, to be paid by the defendant to the complainant;
  - (b) on dismissing the complaint, to be paid by the complainant to the defendant, as it thinks just and reasonable; but if the complaint is for an order for the [<sup>F59</sup>variation of an order for the periodic payment of money], or for the enforcement of such an order, the court may, whatever adjudication it makes, order either party to pay the whole or any part of the other's costs.

<sup>F60</sup>(1A) .....

- (2) The amount of any sum ordered to be paid under [<sup>F61</sup>subsection (1) <sup>F62</sup>...] shall be specified in the order, or order of dismissal, as the case may be.

- (3) <sup>F63</sup>... Costs ordered to be paid under this section shall be enforceable as a civil debt.

<sup>F64</sup>(4) .....

<sup>F64</sup>(4A) .....

- (5) The preceding provisions of this section shall have effect subject to any other Act enabling a magistrates' court to order a successful party to pay the other party's costs.

#### Textual Amendments

- F59** Words in s. 64(1) substituted (6.4.2011) by [The Family Procedure \(Modification of Enactments\) Order 2011 \(S.I. 2011/1045\)](#), arts. 1, **10(a)** (with art. 39)
- F60** S. 64(1A) repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), Sch. 10 paras. 47(a), **99** Table; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F61** Words in s. 64(2) substituted (6.4.2011) by [The Family Procedure \(Modification of Enactments\) Order 2011 \(S.I. 2011/1045\)](#), arts. 1, **10(c)** (with art. 39)

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- F62** Words in s. 64(2) repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 paras. 47\(b\), 99](#) Table; [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F63** Words in s. 64(3) repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 paras. 47\(c\), 99](#) Table; [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F64** S. 64(4)(4A) repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 paras. 47\(a\), 99](#) Table; [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

### *Domestic proceedings*

#### <sup>F65</sup>**65 Meaning of domestic proceedings.**

.....

##### **Textual Amendments**

- F65** Ss. 65-67 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)

#### <sup>F65</sup>**65A Meaning of family procedure rules**

.....

##### **Textual Amendments**

- F65** Ss. 65-67 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)

#### <sup>F65</sup>**66 Composition of magistrates' courts for family proceedings: general.**

.....

##### **Textual Amendments**

- F65** Ss. 65-67 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)

#### <sup>F65</sup>**67 Family proceedings courts.**

.....

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**Textual Amendments**

**F65** Ss. 65-67 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)

**68 Combined domestic court panels.**

**F66** .....

**Textual Amendments**

**F66** S. 68 repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 49(2), 109(3), 110, [Sch. 10](#); [S.I. 2005/910, art. 3\(r\)\(aa\)](#)

**<sup>F67</sup>68A Power of the magistrates' court to order disclosure of documents, inspection of property etc. in family proceedings**

.....

**Textual Amendments**

**F67** S. 68A 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)

**<sup>F68</sup>69 Sittings of magistrates' courts for domestic proceedings.**

.....

**Textual Amendments**

**F68** S. 69 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)

**<sup>F69</sup>70 Jurisdiction of magistrates' courts in inner London for domestic proceedings.**

.....

**Textual Amendments**

**F69** S. 70 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)

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**F70 71 Newspaper reports of domestic proceedings.**

.....

**Textual Amendments**

**F70** S. 71 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)

**F71 72 Report by probation officer on means of parties.**

.....

**Textual Amendments**

**F71** S. 72 repealed (1.4.2001) by [2000 c. 43](#), ss. 74, 75, [Sch. 7 Pt. II para. 61](#), **Sch. 8**; [S.I. 2001/919](#), art. 2(f)(ii)

**F72 73 Examination of witnesses by court.**

.....

**Textual Amendments**

**F72** S. 73 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)

**F73 74 Reasons for decisions in domestic proceedings.**

.....

**Textual Amendments**

**F73** S. 74 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)

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