



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART IV

WITNESSES AND EVIDENCE

Evidence generally

98 Evidence on oath.

Subject to the provisions of any enactment or rule of law authorising the reception of unsworn evidence, evidence given before a magistrates' court shall be given on oath.

99 Proof of non-payment of sum adjudged.

Where a magistrates' court has ordered one person to pay to another any sum of money, and proceedings are taken before that or any other magistrates' court to enforce payment of that sum, then—

- (a) if the person to whom the sum is ordered to be paid is [^{F1}the designated officer for a magistrates' court], a certificate purporting to be signed by [^{F2}the designated officer] that the sum has not been paid to him; and
- (b) in any other case a document purporting to be a statutory declaration by the person to whom the sum is ordered to be paid that the sum has not been paid to him,

shall be admissible as evidence that the sum has not been paid to him, unless the court requires [^{F3}the designated officer] or other person to be called as a witness.

Textual Amendments

- F1** Words in s. 99 substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 232\(a\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F2** Words in s. 99 substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 232\(b\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)

Status: Point in time view as at 29/03/2011.

Changes to legislation: Magistrates' Courts Act 1980, Cross Heading: Evidence generally is up to date with all changes known to be in force on or before 12 June 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)

F3 Words in s. 99 substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 232(b)**; S.I. 2005/910, **art. 3(y)**

100 Statement of wages to be evidence.

A statement in writing to the effect that wages of any amount have been paid to a person during any period, purporting to be signed by or on behalf of his employer, shall be evidence of the facts therein stated in any proceedings taken before a magistrates' court—

- (a) for enforcing payment by the person to whom the wages are stated to have been paid of a sum adjudged to be paid by a summary conviction or order; or
- [^{F4}(b) on any application made by or against that person for the making of a magistrates' court maintenance order, or for the variation, revocation, discharge or revival of such an order]

Textual Amendments

F4 S. 100(b) substituted by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1)(2), Sch. 2 para. 87, Sch. 3 paras. 1, 6

101 Onus of proving exceptions, etc.

Where the defendant to an information or complaint relies for his defence on any exception, exemption, proviso, excuse or qualification, whether or not it accompanies the description of the offence or matter of complaint in the enactment creating the offence or on which the complaint is founded, the burden of proving the exception, exemption, proviso, excuse or qualification shall be on him; and this notwithstanding that the information or complaint contains an allegation negating the exception, exemption, proviso, excuse or qualification.

Modifications etc. (not altering text)

C1 S. 101 applied (with modifications) (1.4.1997) by S.I. 1997/704, **rule5(2)(3)(4)(f)**

Status:

Point in time view as at 29/03/2011.

Changes to legislation:

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