



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART VII

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Detention for short periods*

134 .....<sup>F1</sup>

#### Textual Amendments

**F1** S. 134 repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 49, 123, 170(2), Sch. 8 para. 16, Sch. 16

#### **135 Detention of offender for one day in court-house or police station.**

- (1) A magistrates' court that has power to commit to prison a person convicted of an offence, or would have that power but for section 82 or 88 above, may order him to be detained within the precincts of the court-house or at any police station until such hour, not later than 8 o'clock in the evening of the day on which the order is made, as the court may direct, and, if it does so, shall not, where it has power to commit him to prison, exercise that power.
- (2) A court shall not make such an order under this section as will deprive the offender of a reasonable opportunity of returning to his abode on the day of the order.
- [<sup>F2</sup>(3) This section shall have effect in relation to a person [<sup>F3</sup>aged 18] or over but less than 21 as if references in it to prison were references to detention under [<sup>F4</sup>section 108 of the Powers of Criminal Courts (Sentencing) Act 2000] (detention of persons [<sup>F3</sup>aged 18] to 20 for default).]

*Status: Point in time view as at 25/08/2000.*

*Changes to legislation: Magistrates' Courts Act 1980, Cross Heading: Detention for short periods is up to date with all changes known to be in force on or before 24 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)*

#### Textual Amendments

- F2** S. 135(3) added by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, **Sch. 14 para. 58**
- F3** Words in s. 135(3) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 68, 101(1), [Sch. 8 para. 6\(3\)](#), **Sch. 12 para. 22(1)**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F4** Words in s. 135(3) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 77**

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

- C1** S. 135 restricted (prosp.) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 56, 57, **58**, 173

### 136 Committal to custody overnight at police station for non-payment of sum adjudged by conviction.

- (1) A magistrates' court that has power to commit to prison a person in default of payment of a sum adjudged to be paid by a summary conviction, or would have that power but for section 82 or 88 above, may issue a warrant for his detention in a police station, and, if it does so, shall not, where it has power to commit him to prison, exercise that power.
- (2) A warrant under this section, unless the sum adjudged to be paid by the conviction is sooner paid,—
- (a) shall authorise any police constable <sup>[F5]</sup>or any person who—
    - (a) is employed by an authority of a prescribed class;
    - (b) is authorised in the prescribed manner to execute such warrants; and
    - (c) is acting within the area for which the authority that employs him performs its functions.]to arrest the defaulter and take him to a police station, and
  - (b) shall require the officer in charge of the station to detain him there until 8 o'clock in the morning of the day following that on which he is arrested, or, if he is arrested between midnight and 8 o'clock in the morning, until 8 o'clock in the morning of the day on which he is arrested.
- (3) Notwithstanding subsection (2)(b) above, the officer may release the defaulter at any time within 4 hours before 8 o'clock in the morning if the officer thinks it expedient to do so in order to enable him to go to his work or for any other reason appearing to the officer to be sufficient.
- <sup>[F6]</sup>(4) This section shall have effect in relation to a person <sup>[F7]</sup>aged 18] or over but less than 21 as if references in it to prison were references to detention under <sup>[F8]</sup>section 108 of the Powers of Criminal Courts (Sentencing) Act 2000] (detention of persons <sup>[F7]</sup>aged 18] to 20 for default).]

#### Textual Amendments

- F5** Words inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 65(2), 123, **Sch. 8 para. 16**
- F6** S. 136(4) added by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, **Sch. 14 para. 58**
- F7** Words in s. 136(4) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 68, 101(1), [Sch. 8 para. 6\(3\)](#), **Sch. 12 para. 22(1)**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F8** Words in s. 136(4) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 78**

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

- C2** S. 136 excluded (26.11.1999) by S.I. 1999/3133, **art. 8(8)**

**Status:**

Point in time view as at 25/08/2000.

**Changes to legislation:**

Magistrates' Courts Act 1980, Cross Heading: Detention for short periods is up to date with all changes known to be in force on or before 24 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.