



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART VII

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Interpretation*

#### 148 “Magistrates’ court”.

- (1) In this Act the expression “magistrates’ court” means any justice or justices of the peace acting under any enactment or by virtue of his or their commission or under the common law.
- (2) Except where the contrary is expressed, anything authorised or required by this Act to be done by, to or before the magistrates’ court by, to or before which any other thing was done, or is to be done, may be done by, to or before any magistrates’ court acting [<sup>F1</sup>in the same local justice] area as that court.

#### Textual Amendments

- F1** Words in s. 148(2) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 248](#); [S.I. 2005/910](#), [art. 3\(y\)](#)

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

- C1** S. 148(2) extended (4.7.1996) by [1996 c. 25](#), [s. 76](#) (with [s. 78\(1\)](#))

#### 149 Isles of Scilly.

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

*Status: Point in time view as at 06/04/2011.*

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### Textual Amendments

**F2** S. 149 repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1)(3), 110, Sch. 8 para. 249, [Sch. 10](#); [S.I. 2005/910](#), [art. 3\(y\)\(aa\)](#)

## 150 Interpretation of other terms.

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

“Act” includes local Act;

<sup>F3</sup>

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

[<sup>F4</sup>“collection order” means an order made under Part 4 of Schedule 5 to the Courts Act 2003;]

<sup>F5</sup>

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

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

[<sup>F6</sup>“Family Procedure Rules” has the meaning assigned by section 65A above;]

“ [<sup>F7</sup>family proceedings]” has the meaning assigned to it by section 65 above;

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

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

[<sup>F8</sup>“the fines officer”, in relation to a person subject to a collection order, means any fines officer working at the fines office specified in that order;]

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

[<sup>F9</sup>“legal representative” means [<sup>F10</sup>a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act);]]

<sup>F11</sup>

[<sup>F12</sup>“magistrates’ court maintenance order” means a maintenance order enforceable by a magistrates’ court;

“maintenance order” means any order specified in Schedule 8 to the Administration of Justice Act <sup>M2</sup>1970 and includes such an order which has been discharged, if any arrears are recoverable thereunder;]

<sup>F13</sup>

<sup>F14</sup>

“prescribed” means prescribed by [<sup>F15</sup>rules of court];

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[<sup>F16</sup>“preserved county” has the meaning given by section 64 of the Local Government (Wales) Act 1994;]

<sup>F17</sup>

<sup>F18</sup>

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

“sum enforceable as a civil debt” means—

(a) any sum recoverable summarily as a civil debt which is adjudged to be paid by the order of a magistrates' court;

(b) any other sum expressed by this or any other Act to be so enforceable;

“transfer of fine order” has the meaning assigned to it by section 89 above.

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

#### Textual Amendments

- F3** Definition of “affiliation order” repealed by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), ss. 33(1)(2)(4), [Sch. 2 para. 88\(a\)](#), Sch. 3 paras. 1, 6, Sch. 4
- F4** Definition of “collection order” inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), [art. 53\(a\)](#)
- F5** S. 150(1): definition of “commission area” repealed (27.9.1999) by [1999 c. 22, ss. 106, 108\(3\)](#), [Sch. 15 Pt. V\(1\)](#) (with s. 107, [Sch. 14 paras. 7\(2\), 36\(9\)](#))

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- F6** Words in s. 150(1) inserted (6.4.2011) by The Family Procedure (Modification of Enactments) Order 2011 (S.I. 2011/1045), arts. 1, **14** (with art. 39)
- F7** Words in s. 150(1) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 92, 108(6), **Sch. 11 Pt. II para. 8(c)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F8** Definition of "the fines officer" inserted (3.7.2006) by The Collection of Fines (Final Scheme) Order 2006 (S.I. 2006/1737), **art. 53(b)**
- F9** Definition of "legal representative" inserted by Courts and Legal Services Act 1990 (c. 41, SIF 37, 82), s. 125(3), **Sch. 18 para. 25(2)**
- F10** Words in s. 150(1) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), s. 211(2), **Sch. 21 para. 44** (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(h)
- F11** S. 150(1): definition of "London commission area" repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3), **Sch. 15 Pt. V(1)** (with s. 107, Sch. 14 paras. 7(2), 36(9))
- F12** Definitions of "magistrates' court maintenance order" and "maintenance order" inserted by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1)(2), **Sch. 2 para. 88(b)**, Sch. 3 paras 1, 6
- F13** S. 150(1): definition of "petty-sessional court-house" repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110, Sch. 8 para. 250(2), **Sch. 10**; S.I. 2005/910, **art. 3(y)(aa)**
- F14** S. 150(1): definition of "petty sessions area" repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3), **Sch. 15 Pt. V(1)** (with s. 107, Sch. 14 paras. 7(2), 36(9))
- F15** S. 150(1): words in the definition of "prescribed" substituted (1.9.2004) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 250(3)**; S.I. 2004/2066, **art. 2(c)(xi)** (subject to art. 3)
- F16** Definition in s. 150(1) inserted (1.4.1996) by 1994 c. 19, s. 1(3), **Sch. 2 para. 11(4)**(with ss. 54(5)(7), 55(5)); S.I. 1995/3198, art. 3, **Sch. 1**; (in which definition words are repealed (1.4.1996) by virtue of S.I. 1996/675, art. 2, **Sch. Pt. I para. 2(7)**)
- F17** S. 150(1): definition of "the register" repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110, Sch. 8 para. 250(2), **Sch. 10**; S.I. 2005/910, **art. 3(y)(aa)**
- F18** S. 150(1): definition of "the rules" repealed (1.9.2004) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110, Sch. 8 para. 250(2), **Sch. 10**; S.I. 2004/2066, **art. 2(c)(xi)(d)(iv)** (subject to art 3)

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

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

#### Marginal Citations

- M1** 1976 c. 63  
**M2** 1970 c. 31

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