



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART VII

MISCELLANEOUS AND SUPPLEMENTARY

Process

125 Warrants.

- (1) A warrant of arrest issued by a justice of the peace shall remain in force until it is executed or withdrawn.
- (2) A warrant of arrest, warrant of commitment, warrant of distress or search warrant issued by a justice of the peace may be executed anywhere in England and Wales by any person to whom it is directed or by any constable acting within his police area.

[^{F1}A warrant of arrest, warrant of commitment or warrant of distress which is issued by a justice of the peace for the enforcement of [^{F2}any sum adjudged to be paid] may also be executed by a 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.]

This subsection does not apply to a warrant of commitment or a warrant of distress issued under Part VI of the ^{M1}General Rate Act 1967.

- (3) A warrant to [^{F3}which this subsection applies] may be executed by a constable notwithstanding that it is not in his possession at the time; but the warrant shall, on the demand of the person arrested, be shown to him as soon as practicable.

[^{F4}(4) The warrants to which subsection (3) above applies are—

- (a) a warrant to arrest a person in connection with an offence;

Status: Point in time view as at 01/04/1997. This version of this provision has been superseded.

Changes to legislation: Magistrates' Courts Act 1980, Section 125 is up to date with all changes known to be in force on or before 09 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)

- (b) without prejudice to paragraph (a) above, a warrant under section 186(3) of the Army Act ^{M2}1955, section 186(3) of the Air Force Act ^{M3}1955, section 105(3) of the Naval Discipline Act ^{M4}1957 or [^{F5}Schedule 2 to the Reserve Forces Act 1996] (desertion etc.);
- (c) a warrant under—
- (i) section 102 or 104 of the General Rate Act ^{M5}1967 (insufficiency of distress);
 - (ii) section 18(4) of the Domestic Proceedings and Magistrates' Courts Act 1978 (protection of parties to marriage and children of family); and
 - (iii) section 55, 76, 93 or 97 above.]

Textual Amendments

- F1** Para. inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 65(1), 123(6), **Sch. 8 para. 16**
- F2** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37, 82), s. 125(2), **Sch. 17 para. 11**
- F3** Words substituted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 33(a)
- F4** S. 125(4) added by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 33(b)
- F5** Words in s. 125(4)(b) substituted (1.4.1997) by 1996 c. 14, s. 131(1), **Sch. 10 para.18** (with s. 72(5)); S.I. 1997/305, **art. 2(1)**

Modifications etc. (not altering text)

- C1** S. 125(3) applied by S.I. 1989/1058, **reg. 17(6)**; and (1.4.1992) by S.I. 1992/613, **reg. 48(6)**

Marginal Citations

- M1** 1967 c. 9.
- M2** 1955 c. 18(7:1).
- M3** 1955 c. 19 (7:1).
- M4** 1957 c. 53 (7:1).
- M5** 1967 c. 9 (103:1).

Status:

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