



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART VII

MISCELLANEOUS AND SUPPLEMENTARY

Process

[^{F1}125D Execution by person not in possession of warrant.

- (1) A warrant to which section 125A(1) above applies may be executed by any person entitled to execute it even though it is not in his possession at the time.
- (2) A warrant to which this subsection applies (and which is not a warrant to which section 125A(1) above applies) may be executed by a constable even though it is not in his possession at the time.
- (3) Subsection (2) above applies to—
 - (a) a warrant to arrest a person in connection with an offence;
 - [^{F2}(b) a warrant under section 313, 314 or 317 of the Armed Forces Act 2006;]
 - (c) a warrant under section 102 or 104 of the ^{M1}General Rate Act 1967 (insufficiency of distress);
 - (d) a warrant under section 47(8) of the ^{M2}Family Law Act 1996 (failure to comply with occupation order or non-molestation order);
 - (e) a warrant under paragraph 4 of Schedule 3 to the ^{M3}Crime and Disorder Act 1998 (unwilling witnesses);
 - (f) a warrant under paragraph 3(2) of Schedule 1 to the ^{M4}Youth Justice and Criminal Evidence Act 1999 (offenders referred to court by youth offender panel); and
 - (g) a warrant under section 55, 76, 93, 97 or 97A above.
- (4) Where by virtue of this section a warrant is executed by a person not in possession of it, it shall, on the demand of the person arrested, committed or detained or against whom distress is levied, be shown to him as soon as practicable.]

Status: Point in time view as at 29/03/2011. This version of this provision has been superseded.

Changes to legislation: Magistrates' Courts Act 1980, Section 125D is up to date with all changes known to be in force on or before 04 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)

Textual Amendments

- F1** S. 125D inserted (19.2.2001) by 1999 c. 22, s. 96 (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/168, arts. 1, 2(a) (subject to transitional provisions in art. 3 of that S.I.)
- F2** S. 125D(3)(b) substituted (28.3.2009 for certain purposes and 31.10.2009 otherwise) by Armed Forces Act 2006 (c. 52), ss. 378, 383, Sch. 16 para. 89; S.I. 2009/812, art. 3 (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Modifications etc. (not altering text)

- C1** Ss. 125-126 applied (temp.) (23.2.2004 and 29.3.2004 for certain purposes, otherwise 5.4.2004 until 31.3.2006) by The Fines Collection Regulations 2004 (S.I. 2004/176), regs. 1(3), 10 (with reg. 3) (as amended (30.3.2005) by S.I. 2005/484, regs. 1(1)(a)(2), 2, 4)
- C2** S. 125D(3)(b) modified (24.4.2009 for certain purposes and 31.10.2009 otherwise) by The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), art. 205, Sch. 1 para. 18(2)

Marginal Citations

- M1** 1967 c.9.
M2 1996 c.27.
M3 1998 c.37.
M4 1999 c.23.

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