



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART VII

MISCELLANEOUS AND SUPPLEMENTARY

Detention for short periods

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 ^[F1]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.

Status: Point in time view as at 19/06/1997. This version of this provision has been superseded.

Changes to legislation: Magistrates' Courts Act 1980, Section 136 is up to date with all changes known to be in force on or before 19 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)

[^{F2}(4) This section shall have effect in relation to a person [^{F3}aged 18] or over but less than 21 as if references in it to prison were references to detention under section 9 of the Criminal Justice Act 1982 (detention of persons [^{F3}aged 18] to 20 for default).]

Textual Amendments

- F1** Words inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 65(2), 123, **Sch. 8 para. 16**
- F2** [S. 136\(4\)](#) added by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, **Sch. 14 para. 58**
- F3** 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**
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Modifications etc. (not altering text)

- C1** [S. 136](#) excluded (26.11.1999) by [S.I. 1999/3133](#), **art. 8(8)**

Status:

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