



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART III

SATISFACTION AND ENFORCEMENT

General provisions

77 Postponement of issue of warrant.

- (1) Where a magistrates' court has power to issue a [^{F1}warrant of control] under this Part of this Act, it may, if it thinks it expedient to do so, postpone the issue of the warrant until such time and on such conditions, if any, as the court thinks just.
- (2) Where a magistrates' court has power to issue a warrant of commitment under this Part of this Act, it may, if it thinks it expedient to do so, fix a term of imprisonment [^{F2}or detention under [^{F3}section 108 of the powers of Criminal Courts (Sentencing) Act 2000] (detention of persons aged [^{F3}18] to 20 for default)] and postpone the issue of the warrant until such time and on such conditions, if any, as the court thinks just.
- [^{F4}(3) A magistrates' court shall have power at any time to do either or both of the following—
 - (a) to direct that the issue of the warrant of commitment shall be postponed until a time different from that to which it was previously postponed;
 - (b) to vary any of the conditions on which its issue is postponed,but only if it thinks it just to do so having regard to a change of circumstances since the relevant time.
- (4) In this section “the relevant time” means—
 - (a) where neither of the powers conferred by subsection (3) above has been exercised previously, the date when the issue of the warrant was postponed under subsection (2) above; and
 - (b) in any other case, the date of the exercise or latest exercise of either or both of the powers.

Status: Point in time view as at 06/04/2020.

Changes to legislation: Magistrates' Courts Act 1980, Section 77 is up to date with all changes known to be in force on or before 21 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)

- (5) Without prejudice to the generality of subsection (3) above, if on an application by a person in respect of whom issue of a warrant has been postponed it appears to a justice of the peace acting [^{F5}in the local justice] area in which the warrant has been or would have been issued that since the relevant time there has been a change of circumstances which would make it just for the court to exercise one or other or both of the powers conferred by that subsection, he shall refer the application to the court.
- [^{F6}(6) Where such an application is referred to the court—
- (a) the ^{F7}... court shall fix a time and place for the application to be heard; and
 - (b) the designated officer for the court shall give the applicant notice of that time and place.]
- (7) Where such a notice has been given but the applicant does not appear at the time and place specified in the notice, the court may proceed with the consideration of the application in his absence.
- (8) If a warrant of commitment in respect of the sum adjudged to be paid has been issued before the hearing of the application, the court shall have power to order that the warrant shall cease to have effect and, if the applicant has been arrested in pursuance of it, to order that he shall be released, but it shall only make an order under this subsection if it is satisfied that the change of circumstances on which the applicant relies was not put before the court when it was determining whether to issue the warrant.]

Textual Amendments

- F1** Words in s. 77(1) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 47](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F2** Words inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, [Sch. 14 para. 50](#)
- F3** Words in s. 77(2) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), [Sch. 9 para. 66](#) (which Sch. 9 para. 66 of the amending Act is repealed (*prosp.*) by 2000 c. 43, ss. 74, 75, 80(1), Sch. 7 Pt. II para. 203(2), [Sch. 8](#))
- F4** S. 77(3)–(8) added (E.W.) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 61(1)(2), 123(6), [Sch. 8 para. 16](#)
- F5** Words in s. 77(5) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 218\(2\)](#); S.I. 2005/910, [art. 3\(y\)](#)
- F6** S. 77(6) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 218\(3\)](#); S.I. 2005/910, [art. 3\(y\)](#)
- F7** Words in s. 77(6)(a) omitted (6.4.2020) by virtue of [Courts and Tribunals \(Judiciary and Functions of Staff\) Act 2018 \(c. 33\)](#), s. 4(3), [Sch. para. 6](#); S.I. 2020/24, reg. 3(b)

Modifications etc. (not altering text)

- C1** S. 77(1) extended by S.I. 1985/215, [art. 4\(3\)](#), 1985/313, art. 4(3), 1985/487, art. 5(3), 1986/110, art. 4(3), 1986/250, art. 5(3), 1986/779, art. 3(3), 1986/2090, art. 5(3), 1987/213, art. 4(3), 1987/292, art. 3(3)
- C2** S. 77(1) applied: by S.I. 1990/137, [art. 5\(3\)](#); by S.I. 1991/138, [art. 5\(3\)](#); by S.I. 1991/139, [reg. 7\(3\)](#); by S.I. 1991/522, [art. 3\(3\)](#); (31.1.1992) by S.I. 1992/130, [reg. 8\(3\)](#); (8.2.1992) by S.I. 1992/190, [art. 5\(3\)](#); (27.2.1993) by S.I. 1993/387, [art. 5\(3\)](#); (5.5.1993) by S.I. 1993/1197, [art. 3\(3\)](#); (1.9.1993) by S.I. 1993/2015, [art. 6\(3\)](#) and S.I. 1993/2016, [art. 5\(3\)](#); (22.3.1994) by S.I. 1994/451, [art. 5\(3\)](#); (15.7.1994) by S.I. 1994/1679, [art. 5\(3\)](#) and S.I. 1994/1681, [art. 4\(3\)](#); (18.4.1995) by S.I. 1995/907, [art. 4\(3\)](#) and S.I. 1995/908, [art. 5\(3\)](#); (29.2.1996) by S.I. 1996/247, [art. 5\(3\)](#); (24.4.1996) by S.I. 1996/1036, [art. 5\(3\)](#); (9.4.1997) by S.I. 1997/883, [art. 5\(3\)](#); (12.8.1997) by S.I. 1997/1949, [art.](#)

Status: Point in time view as at 06/04/2020.

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- 5(3)**; (14.3.1998) by S.I. 1998/268, **art. 5(3)**; (18.3.1999) by S.I. 1999/424, **art. 5(3)**; (8.2.2000) by S.I. 2000/51, **art. 5(2)**; (21.2.2000) by S.I. 2000/181, **art. 5(2)**; (25.2.2000) by S.I. 2000/435, **art. 5(2)**; (W.)(18.3.2000) by S.I. 2000/976, **art. 5(2)**; (W.)(1.4.2000) by S.I. 2000/1075, **art. 5(2)**; (W.) (7.4.2000) by S.I. 2000/1078, **art. 6(2)**; (11.4.2000) by S.I. 2000/827, **art. 5(2)**; (W.) (11.4.2000) by S.I. 2000/1096, **art. 5(2)**; (15.4.2000) by S.I. 2000/1081, **art. 5(2)**; (24.7.2000) by S.I. 2000/1843, **art. 6(2)**; (W.)(24.7.2000) by S.I. 2000/2230, **art. 5(2)**; S. 77(1) applied (29.5.2001) by S.I. 2001/1631, **art. 5(2)** (which was revoked (8.3.2002) by S.I. 2002/272, **art. 13**); S. 77(1) applied (8.3.2002) by S.I. 2002/272, **art. 5(2)**
- C3** S. 77(1) applied (8.2.2003) by The Sea Fishing (Restriction on Days at Sea) Order 2003 (S.I. 2003/229), **art. 13(2)**
S. 77(1) applied (7.7.2003) by The Sea Fishing (Restriction on Days at Sea)(No. 2) Order 2003 (S.I. 2003/1535), {art. 13(2)}
S. 77(1) applied (E.) (26.5.2004) by The Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures)(England) Order 2004 (S.I. 2004/1237), {art. 6(2)}
S. 77(1) applied (E.) (1.1.2005) by The Sea Fishing (Enforcement of Community Satellite Monitoring Measures) Order 2004 (S.I. 2004/3226), **art. 16(2)**
S. 77(1) applied (E.) (2.2.2005) by The Incidental Catches of Cetaceans in Fisheries (England) Order 2005 (S.I. 2005/17), **art. 6(2)** (subject to art. 1(3))
S. 77(1) applied (E.) (28.2.2005) by The Sea Fishing (Restriction on Days at Sea) Order 2005 (S.I. 2005/393), **art. 24(2)** (subject to art. 1(3))
S. 77(1) applied (1.6.2006) by The Sea Fishing (Restriction on Days at Sea)(Monitoring, Inspection and Surveillance) Order 2006 (S.I. 2006/1327), {art. 23(2)}
S. 77(1) applied (W.) (7.7.2006) by The Sea Fishing (Northern Hake Stock)(Wales) Order 2006 (S.I. 2006/1796), {art. 10(2)}
S. 77(1) applied (10.7.2006) by The Sea Fishing (Marking and Identification of Passive Fishing Gear and Beam Trawls)(England) Order 2006 (S.I. 2006/1549), {art. 6(2)}
S. 77(1) applied (15.8.2006) by The Sea Fishing (Enforcement of Annual Community and Third Country Fishing Measures)(England) Order 2006 (S.I. 2006/1970), {art. 11(2)}
S. 77(1) applied (20.4.2007) by The Sea Fishing (Restriction on Days at Sea) Order 2007 (S.I. 2007/927), **art. 18(2)**
S. 77(1) applied (1.10.2007) by The Sea Fishing (Prohibition on the Removal of Shark Fins) Order 2007 (S.I. 2007/2554), **art. 6(2)**
- C4** S. 77(1) applied (30.9.2008) by The Sea Fishing (Recovery Measures) Order 2008 (S.I. 2008/2347), **art. 12(2)**
- C5** S. 77(1) applied (12.8.2009) by The Sea Fishing (Landing and Weighing of Herring, Mackerel and Horse Mackerel) Order 2009 (S.I. 2009/1850), **art. 10(2)**
- C6** S. 77(1) applied (25.1.2010) by Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order 2009 (S.I. 2009/3391), arts. 1, **11(2)** (with art. 2(1))
- C7** S. 77(1) applied (6.3.2015) by The Sea Fishing (Enforcement and Miscellaneous Provisions) Order 2015 (S.I. 2015/191), arts. 1(1), **3(3)**

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