



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART III

SATISFACTION AND ENFORCEMENT

General provisions

79 Release from custody and reduction of detention on payment.

- (1) Where imprisonment or other detention has been imposed on any person by the order of a magistrates' court in default of payment of any sum adjudged to be paid by the conviction or order of a magistrates' court or for want of sufficient [^{F1}goods] to satisfy such a sum, then, on the payment of the sum, together with the costs and charges, if any, of the commitment[^{F2}, or (as the case may be) on the payment of the amount outstanding,] the order shall cease to have effect; and if the person has been committed to custody he shall be released unless he is in custody for some other cause.
 - (2) Where, after a period of imprisonment or other detention has been imposed on any person in default of payment of any sum adjudged to be paid by the conviction or order of a magistrates' court or for want of sufficient [^{F3}goods] to satisfy such a sum, payment is made in accordance with [^{F4}rules of court] of part of the sum, the period of detention shall be reduced by such number of days as bears to the total number of days in that period less one day the same proportion as the amount so paid bears [^{F5}—
 - (a) to the amount outstanding at the time the period of detention was imposed, if the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods) had been used for recovering the sum;
 - (b) otherwise, to so much of the sum as was due at that time.]
 - (3) In calculating the reduction required under subsection (2) above any fraction of a day shall be left out of account.
- [^{F6}(4) In this Act, references to want of sufficient goods to satisfy a sum of money are references to circumstances where—

Status: Point in time view as at 01/12/2020.

Changes to legislation: Magistrates' Courts Act 1980, Section 79 is up to date with all changes known to be in force on or before 09 August 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)

- (a) a warrant of control has been issued for the sum to be recovered from a person, but
 - (b) it appears on the return to the warrant that the person's money and goods are insufficient to pay the amount outstanding.
- (5) In this section, “the amount outstanding” has the meaning given by paragraph 50(3) of Schedule 12 to the Tribunals, Courts and Enforcement Act 2007.]

Textual Amendments

- F1** Word in s. 79(1) substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 48(2)(a)** (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F2** Words in s. 79(1) substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 48(2)(b)** (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F3** Word in s. 79(2) substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 48(3)(a)** (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F4** Words in s. 79(2) substituted (1.9.2004) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 219(b)**; S.I. 2004/2066, **art. 2(c)(xi)** (subject to art. 3)
- F5** Words in s. 79(2) substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 48(3)(b)** (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F6** S. 79(4)(5) inserted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 48(4)** (with s. 89); S.I. 2014/768, art. 2(1)(b)

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