



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART III

#### SATISFACTION AND ENFORCEMENT

##### *Sums adjudged to be paid by a conviction*

#### [<sup>F1</sup>85 Power to remit fine.

- (1) Where a fine has been imposed on conviction of an offender by a magistrates' court, the court may at any time remit the whole or any part of the fine, but only if it thinks it just to do so having regard to a change of circumstances which has occurred—
- (a) where the court is considering whether to issue a warrant of commitment after the issue of such a warrant in respect of the fine has been postponed under subsection (2) of [<sup>F2</sup>section 77] above, since the relevant time as defined in subsection (4) of that section; and
  - (b) in any other case, since the date of the conviction.
- (2) Where the court remits the whole or part of the fine after a term of imprisonment has been fixed, it shall also reduce the term by an amount which bears the same proportion to the whole term as the amount remitted bears to the whole or, as the case may be, shall remit the whole term.
- [ Where the court remits the whole or part of the fine after an order has been made under <sup>F3</sup>(2A) section 35(2)(a) or (b) of the Crime (Sentences) Act 1997, it shall also reduce the total number of hours or days to which the order relates by a number which bears the same proportion as the amount remitted bears to the whole sum or, as the case may be, shall revoke the order.
- [ Where the court remits the whole or part of the fine after a work order has been made <sup>F4</sup>(2B) under Schedule 6 to the Courts Act 2003 (discharge of fines by unpaid work), it shall also reduce the number of hours specified in the order by a number which bears the same proportion as the amount remitted bears to the whole sum or, as the case may be, shall revoke the order.]

*Status: Point in time view as at 29/04/2021. This version of this provision has been superseded.*

*Changes to legislation: Magistrates' Courts Act 1980, Section 85 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)*

(3) In calculating any reduction required by subsection (2)<sup>F5</sup>, (2A) or (2B)] above any fraction of a day or hour shall be left out of account.]

[ Where—

<sup>F6</sup>(3A) (a) the court remits the whole or part of the fine, and  
(b) the offender was ordered under [<sup>F7</sup>section 42 of the Sentencing Code] to pay a surcharge the amount of which was set by reference to the amount of the fine, the court shall determine how much the surcharge would have been if the fine had not included the amount remitted, and remit the balance of the surcharge.]

(4) Notwithstanding the definition of “fine” in section 150(1) below, references in this section to a fine do not include any other sum adjudged to be paid on conviction, whether as a pecuniary penalty, forfeiture, compensation or otherwise.]

#### Textual Amendments

- F1** S. 85 substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 61(5), 123(6), **Sch. 8 para. 16**
- F2** Words in s. 85(1)(a) expressed to be substituted (30.9.1998) by [1998 c. 37, s. 106, Sch. 7 para.32](#); S.I. 1998/2327, **art.2(1)(w)**
- F3** S. 85(2A)(3) substituted (1.1.1998) for s. 85(3) by [1997 c. 43, s. 55\(1\), Sch. 4 para. 10\(2\)](#); S.I. 1997/2200, **art. 3(d)**
- F4** S. 85(2B) inserted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, **Sch. 8 para. 222(2)**; S.I. 2005/910, **art. 3(y)**
- F5** Words in s. 85(3) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, **Sch. 8 para. 222(3)**; S.I. 2005/910, **art. 3(y)**
- F6** S. 85(3A) inserted (1.6.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), ss. 179(2), 185(1) (with ss. 4, 21, 33, 42, 58, 75, 93, 179(4)); S.I. 2014/949, art. 4
- F7** Words in s. 85(3A)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 52** (with [Sch. 24 para. 447, Sch. 27](#)); S.I. 2020/1236, reg. 2

#### Modifications etc. (not altering text)

- C1** S. 85 modified by [Road Traffic Offenders Act 1988 \(c. 53, SIF 107:1\)](#), ss. 71(8), 92  
S. 85 restricted (3.2.1995) by [1994 c. 37, ss. 9\(4\)\(a\), 69\(2\)](#) (with s. 66(2))  
S. 85 amended (1.1.1998) by [1997 c. 43, s. 55\(2\)](#); S.I. 1997/2200, **art. 2(1)(m)**
- C2** S. 85 modified (29.4.2021 for specified purposes) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(1)(a), **Sch. 10 para. 9(15)**
- C3** S. 85(1) restricted (25.8.2000) by [2000 c. 6, ss. 140\(5\)](#), 168(1)
- C4** S. 85(1) applied (with modifications) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), ss. 132(1)(5), 416(1) (with ss. 2, 398(1), 406, [Sch. 27](#)); S.I. 2020/1236, reg. 2

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