



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART III

SATISFACTION AND ENFORCEMENT

Sums adjudged to be paid by a conviction

88 Supervision pending payment.

- (1) Where any person is adjudged to pay a sum by a summary conviction and the convicting court does not commit him to prison forthwith in default of payment, the court may, either on the occasion of the conviction or on a subsequent occasion, order him to be placed under the supervision of such person as the court may from time to time appoint.
- (2) An order placing a person under supervision in respect of any sum shall remain in force so long as he remains liable to pay the sum or any part of it unless the order ceases to have effect or is discharged under subsection (3) below.
- (3) An order under this section shall cease to have effect on the making of a transfer of fine order under section 89 below with respect to the sum adjudged to be paid and may be discharged by the court that made it, without prejudice in either case to the making of a new order.
- (4) Where a person under 21 years old has been adjudged to pay a sum by a summary conviction and the convicting court does not commit him to [F1detention under][F2section 108 of the Powers of Criminal Courts (Sentencing) Act 2000]forthwith in default of payment, the court shall not commit him to [F3to such detention]in default of payment of the sum, or for want of sufficient distress to satisfy the sum, unless he has been placed under supervision in respect of the sum or the court is satisfied that it is undesirable or impracticable to place him under supervision.
- (5) Where a court, being satisfied as aforesaid, commits a person under 21 years old to [F4such detention]without an order under this section having been made, the court shall state the grounds on which it is so satisfied in the warrant of commitment.

Status: Point in time view as at 01/04/2005. This version of this provision has been superseded.

Changes to legislation: Magistrates' Courts Act 1980, Section 88 is up to date with all changes known to be in force on or before 03 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)

- (6) Where an order placing a person under supervision with respect to a sum is in force, a magistrates' court shall not commit him to prison in default of payment of the sum, or for want of sufficient distress to satisfy the sum, unless the court has before committing him taken such steps as may be reasonably practicable to obtain from the person appointed for his supervision an oral or written report on the offender's conduct and means and has considered any report so obtained, in addition, in a case where an inquiry is required by section 82 above, to that inquiry.

Textual Amendments

- F1** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, **Sch. 14 para. 53(a)(i)**
- F2** Words in [s. 88\(4\)](#) substituted (25.8.2000) by [2000 c. 6, ss. 165, 168\(1\)](#), **Sch. 9 para. 68**
- F3** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, **Sch. 14 para. 53(a)(ii)**
- F4** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, **Sch. 14 para. 53(b)**

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