



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART III

SATISFACTION AND ENFORCEMENT

Sums adjudged to be paid by a conviction

91 Transfer of fines from Scotland or Northern Ireland.

- (1) Where a transfer of fine order under section 403 of the ^{M1}Criminal Procedure (Scotland) Act 1975 or [^{F1}Article 95 of the Magistrates' Courts (Northern Ireland) Order 1981] provides that payment of a sum shall be enforceable [^{F2}by a magistrates' court in England and Wales, a magistrates' court [^{F3}(or a fines officer as the case may be)] acting in the area in which the person subject to the order resides,] and the [^{F4}designated officer for] that court, shall, subject to the provisions of this section, have all the like functions under this Part of this Act [^{F5}(or under Schedule 5 to the Courts Act 2003 as the case may be)] in respect of the sum (including power to make an order under section 89 or section 90 above) as if the sum were a sum adjudged to be paid by a conviction of that court and as if any order made under the said Act of 1975 or, as the case may be, [^{F6}the said Order of 1981] in respect of the sum before the making of the transfer of fine order had been made by that court.
- (2) For the purpose of determining the period of imprisonment which may be imposed under this Act in default of payment of a fine originally imposed by a court in Scotland, Schedule 4 to this Act shall have effect as if for the Table set out in paragraph 1 there were substituted the Table set out in section 407 of the ^{M2}Criminal Procedure (Scotland) Act 1975.
- (3) Where a transfer of fine order under section 403 of the ^{M3}Criminal Procedure (Scotland) Act 1975 or [^{F7}Article 95 of the Magistrates' Courts (Northern Ireland) Order 1981] provides for the enforcement [^{F8}by a magistrates' court] in England and Wales of a fine originally imposed by the Crown Court, a magistrates' court [^{F9}(or a fines officer as the case may be)] [^{F10}acting in the area in which the person subject to the order resides] shall have all the like functions under this Part of this Act [^{F11}(or

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Changes to legislation: Magistrates' Courts Act 1980, Section 91 is up to date with all changes known to be in force on or before 02 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)

under Schedule 5 to the Courts Act 2003 as the case may be)], exercisable subject to the like restrictions, as if it were the magistrates' court by which payment of the fine fell to be enforced by virtue of [F12section 132(1) of the Sentencing Code][F13(or as if he were a fines officer acting in the same local justice area as that court as the case may be)], and as if any order made under the said Act of 1975 or, as the case may be, [F14the said Order of 1981] in respect of the fine before the making of the transfer of fine order had been made by that court.

Textual Amendments

- F1 Words substituted by S.I. 1981/1675 (N.I. 26), art. 170(2), **Sch. 6 Pt. I para. 59(a)(i)**
- F2 Words in s. 91(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 227(2)(a); S.I. 2005/910, art. 3(y)**
- F3 Words in s. 91(1) inserted (3.7.2006) by The Collection of Fines (Final Scheme) Order 2006 (S.I. 2006/1737), **art. 51(a)(i)**
- F4 Words in s. 91(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 227(2)(b); S.I. 2005/910, art. 3(y)**
- F5 Words in s. 91(1) inserted (3.7.2006) by The Collection of Fines (Final Scheme) Order 2006 (S.I. 2006/1737), **art. 51(a)(ii)**
- F6 Words substituted by S.I. 1981/1675 (N.I. 26), art. 170(2), **Sch. 6 Pt. I para. 59(a)(ii)**
- F7 Words substituted by S.I. 1981/1675 (N.I. 26), art. 170(2), **Sch. 6 para. 59(b)(i)**
- F8 Words in s. 91(3) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 227(3)(a); S.I. 2005/910, art. 3(y)**
- F9 Words in s. 91(3) inserted (3.7.2006) by The Collection of Fines (Final Scheme) Order 2006 (S.I. 2006/1737), **art. 51(b)(i)**
- F10 Words in s. 91(3) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 227(3)(b); S.I. 2005/910, art. 3(y)**
- F11 Words in s. 91(3) inserted (3.7.2006) by The Collection of Fines (Final Scheme) Order 2006 (S.I. 2006/1737), **art. 51(b)(ii)**
- F12 Words in s. 91(3) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 53** (with **Sch. 24 para. 447, Sch. 27**); S.I. 2020/1236, reg. 2
- F13 Words in s. 91(3) inserted (3.7.2006) by The Collection of Fines (Final Scheme) Order 2006 (S.I. 2006/1737), **art. 51(b)(iii)**
- F14 Words substituted by S.I. 1981/1675 (N.I. 26), art. 170(2), **Sch. 6 Pt. I para. 56(b)(ii)**

Modifications etc. (not altering text)

- C1 S. 91 amended by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), **s. 66**
S. 91 modified (S.) (1.4.1996) by 1995 c. 43, **ss. 14(1), 50(2)** and by 1995 c. 46, **ss. 252(1), 309(2)** (with **s. 24(2)**)
S. 91 amended (S.) (*prosp.*) by 1995 c. 20, **ss. 70(2), 80(1)** (with **s. 113(1)**) (which amending Act was repealed (S.) (1.4.1996) by 1995 c. 40, **ss. 3(1), 6(1), 7(2), Sch. 3 para. 16(3), Sch. 5**)
- C2 S. 91 applied (with modifications) (temp.) (23.2.2004 and 29.3.2004 for certain purposes, otherwise 5.4.2004 until 31.3.2006) by The Fines Collection Regulations 2004 (S.I. 2004/176), **regs. 1(3), 6(c)** (with **reg. 3**) (as amended (30.3.2005) by S.I. 2005/484, **regs. 1(1)(a)(2), 2, 4, 6(3)**)

Marginal Citations

- M1 1975 c. 21.
- M2 1975 c. 21.
- M3 1975 c. 21.

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