

Status: Point in time view as at 10/01/2020.

Changes to legislation: Courts Act 2003, Cross Heading: Magistrates' Courts Act 1980 (c. 43) is up to date with all changes known to be in force on or before 05 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)

SCHEDULES

SCHEDULE 8

MINOR AND CONSEQUENTIAL AMENDMENTS

Magistrates' Courts Act 1980 (c. 43)

- 201 Omit section 3 (offences committed on boundaries etc.).
- 202 In section 6(5) (display of details of committal proceedings), for “justices' chief executive for” substitute “ designated officer for ”.
- 203 In section 12 (non-appearance of accused), in—
- (a) subsection (1)(b),
 - (b) subsection (4) (in both places), and
 - (c) subsection (6) (in both places),
- for “justices' chief executive for” substitute “ designated officer for ”.
- 204 (1) Amend section 12A (application of section 12 where accused appears) as follows.
- (2) In subsection (1), for “clerk of” substitute “ designated officer for ”.
- (3) In subsection (2)—
- (a) for “clerk of” substitute “ designated officer for ”, and
 - (b) for “clerk” substitute “ designated officer ”.
- 205 (1) Amend section 14 (proceedings invalid where accused did not know of them) as follows.
- (2) In subsection (1), for “justices' chief executive for the court” substitute “ designated officer for the court ”.
- (3) In subsection (2), for “justices' chief executive” substitute “ designated officer ”.
- 206 In section 43(2) (enforcement of recognizance of a surety for person granted bail), for “for the petty sessions” substitute “ acting in the local justice ”.
- 207 In section 47 (service of summons out of time after failure to prove service by post) for “the rules” (in the first place where it occurs) substitute “ rules of court ”.

Commencement Information

- II** Sch. 8 para. 207 partly in force at 1.9.2004; Sch. 8 para. 207 not in force at Royal Assent see s. 110(1) (2); Sch. 8 para. 207 in force for certain purposes at 1.9.2004 by [S.I. 2004/2066, art. 2\(c\)\(xi\)](#)

- 208 (1) Amend section 59 (orders for periodical payment: means of payment) as follows.
- (2) In subsection (3)(b), for “a justices' chief executive” substitute “ the designated officer for the court or for any other magistrates' court ”.

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^{F1}(3)

Textual Amendments

F1 Sch. 8 para. 208(3) repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 10 para. 99 Table; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

209 (1) Amend section 59A (orders for periodical payment: proceedings by justices' chief executive) as follows.

(2) In subsection (1)—

- (a) for “a justices' chief executive” substitute “ the designated officer for a magistrates' court ”,
- (b) for “the relevant justices' chief executive” substitute “ the relevant designated officer ”, and
- (c) for “to that justices' chief executive” substitute “ to that designated officer ”.

(3) In subsection (2)—

- (a) for “a justices' chief executive” substitute “ the designated officer for a magistrates' court ”, and
- (b) for “the relevant justices' chief executive for him” substitute “ the relevant designated officer for him ”.

(4) In subsection (3), for “the relevant justices' chief executive, he” substitute “ the relevant designated officer, he ”.

(5) In subsection (4)—

- (a) for “a justices' chief executive” substitute “ the relevant designated officer ”,
- (b) for “justices' chief executive cancelling” substitute “ relevant designated officer cancelling ”, and
- (c) for “justices' chief executive shall” substitute “ relevant designated officer shall ”.

(6) In subsection (7), for the definition of “the relevant justices' chief executive” substitute—

““the relevant designated officer”, in relation to an order, means—

- (a) in a case where payments under the order are required to be made to or through the designated officer for a magistrates' court, the designated officer for that magistrates' court;
- (b) in a case where such payments are required to be made by any method of payment falling within section 59(6) and the order was made by a magistrates' court, the designated officer for that magistrates' court; and
- (c) in a case where such payments are required to be made by any method of payment falling within section 59(6) and the order was not made by a magistrates' court, the designated officer for the magistrates' court in which the order is registered;”.

(7) In the section heading, for “justices' chief executive” substitute “ designated officer ”.

^{F2}210

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Textual Amendments

F2 Sch. 8 para. 210 repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 99](#) Table; [S.I. 2014/954, art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

211 (1) Amend section 60 (revocation, variation, etc. of orders for periodical payment) as follows.

(2) In subsection (4), omit “the clerk of”.

^{F3}(3)

^{F3}(4)

Textual Amendments

F3 Sch. 8 para. 211(3)(4) repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 99](#) Table; [S.I. 2014/954, art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

212 (1) In section 61(1) (periodical payments payable by one person under more than one order), for “The power to make rules conferred by section 144 below shall, without prejudice to the generality of subsection (1) of that section, include power to” substitute “ Rules of court may ”.

(2) In paragraph (b) of section 61(1)—

(a) for “a justices' chief executive” substitute “ the designated officer for a magistrates' court ”, and

(b) for “that justices' chief executive” substitute “ that designated officer ”.

213 In section 62(1)(ii) (proceedings for sums payable to child), for “justices' chief executive for” substitute “ designated officer for ”.

^{F4}214

Textual Amendments

F4 Sch. 8 paras. 214-217 repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 99](#) Table; [S.I. 2014/954, art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

^{F4}215

Textual Amendments

F4 Sch. 8 paras. 214-217 repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 99](#) Table; [S.I. 2014/954, art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

^{F4}216

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Textual Amendments

F4 Sch. 8 paras. 214-217 repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 99](#) Table; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F4217

Textual Amendments

F4 Sch. 8 paras. 214-217 repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 99](#) Table; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 218 (1) Amend section 77 (postponement of issue of warrant) as follows.
- (2) In subsection (5), for “for the petty sessions” substitute “ in the local justice ”.
- (3) For subsection (6), substitute—
- “(6) Where such an application is referred to the court—
- (a) the clerk of the 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.”
- 219 In—
- (a) section 78(4) (offence of removing impounded goods marked in accordance with rules), and
- (b) section 79(2) (reduction of period of detention on payment being made in accordance with rules),
- for “the rules” substitute “ rules of court ”.

Commencement Information

I2 Sch. 8 para. 219 partly in force at 1.9.2004; Sch. 8 para. 219 not in force at Royal Assent see s. 110(1) (2); Sch. 8 para. 219 in force for certain purposes at 1.9.2004 by [S.I. 2004/2066](#), art. 2(c)(xi)

- 220 (1) Amend section 82 (restriction on power to impose imprisonment for default) as follows.
- (2) After subsection (4A) insert—
- “(4B) The cases in which the offender’s default may be regarded for the purposes of subsection (4)(b)(i) as being attributable to his wilful refusal or culpable neglect include any case in which—
- (a) he has refused, otherwise than on reasonable grounds, to consent to a work order proposed to be made under Schedule 6 to the Courts Act 2003 (discharge of fines by unpaid work), or
- (b) he has without reasonable excuse failed to comply with such an order.”

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- (3) In subsection (5A), for “justices' chief executive for” substitute “ designated officer for ”.
- 221 In section 84(1) (power to require statement of means) for “for the same petty sessions” substitute “ in the same local justice ”.
- 222 (1) Amend section 85 (power to remit fine) as follows.
- (2) After subsection (2A) insert—
- “(2B) Where the court remits the whole or part of the fine after a work order has been made 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.”
- (3) In subsection (3), for “or (2A)” substitute “ , (2A) or (2B) ”.
- 223 (1) Amend section 87 (enforcement of payment of fines by High Court and county court) as follows.
- (2) In subsection (1), for “justices' chief executive for” substitute “ designated officer for ”.
- (3) In subsection (3), for “justices' chief executive” substitute “ designated officer for the magistrates' court ”.
- (4) Omit subsection (4).
- 224 (1) Amend section 87A (fines imposed on companies) as follows.
- (2) In subsection (1), for “justices' chief executive for” substitute “ designated officer for ”.
- (3) Omit subsection (2).
- 225 (1) Amend section 89 (transfer of fine order) as follows.
- (2) In subsection (1)—
- (a) after “Where a magistrates' court” insert “ in a local justice area ”,
- (b) for “in any petty sessions area other than that for which the court acted” substitute “ in England and Wales ”, and
- (c) for “the petty sessions area in which it appears to the court that he is residing;” substitute “ another local justice area ”.
- (3) In subsection (2)—
- (a) for “justices' chief executive for” (in both places) substitute “ designated officer for ”, and
- (b) for “for the petty sessions area” substitute “ in the local justice area ”.
- (4) For subsection (3) substitute—
- “(3) A court by which functions in relation to any sum are for the time being exercisable by virtue of a transfer of fine order may make a further transfer of fine order with respect to that sum.”
- 226 In section 90(3) (transfer of fines to Scotland or Northern Ireland), for “justices' chief executive for” substitute “ designated officer for ”.

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- 227 (1) Amend section 91 (transfer of fines from Scotland and Northern Ireland) as follows.
- (2) In subsection (1)—
- (a) for “in a specified petty sessions area in England and Wales, a magistrates' court acting for that area,” substitute “ by a magistrates' court in England and Wales, a magistrates' court acting in the area in which the person subject to the order resides, ”, and
- (b) for “justices' chief executive for” substitute “ designated officer for ”.
- (3) In subsection (3)—
- (a) for “in a petty sessions area” substitute “ by a magistrates' court ”, and
- (b) for “acting for that area” substitute “ acting in the area in which the person subject to the order resides ”.

F⁵228

Textual Amendments

- F5** Sch. 8 para. 228 repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 99](#) Table; [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

F⁶229

Textual Amendments

- F6** Sch. 8 para. 229 repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 99](#) Table; [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

- 230 In section 97(1), omit—
- (a) “for any commission area”, and
- (b) “for that commission area”.
- 231 (1) Amend section 97A (summons or warrant as to committal proceedings) as follows.
- (2) In subsection (1)—
- (a) omit “for any commission area”,
- (b) at the end of paragraph (a) insert “ and ”, and
- (c) omit paragraph (c) and “and” before it.
- (3) In subsections (9), (10) and (11), for “chief executive to” substitute “ designated officer for ”.
- 232 In section 99 (proof of non-payment of sum adjudged)—
- (a) for “a justices' chief executive” substitute “ the designated officer for a magistrates' court ”, and
- (b) for “the justices' chief executive” (in both places) substitute “ the designated officer ”.
- 233 In section 107 (false statements in declaration proving service), for “the rules” substitute “ rules of court ”.

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Commencement Information

I3 Sch. 8 para. 233 partly in force at 1.9.2004; Sch. 8 para. 233 not in force at Royal Assent see s. 110(1) (2); Sch. 8 para. 233 in force for certain purposes at 1.9.2004 by [S.I. 2004/2066](#), [art. 2\(c\)\(xi\)](#)

234 In section 109(2) (notice to abandon an appeal), for “Crown Court rules” substitute “ rules of court ”.

Commencement Information

I4 Sch. 8 para. 234 partly in force at 1.9.2004; Sch. 8 para. 234 not in force at Royal Assent see s. 110(1) (2); Sch. 8 para. 234 in force for certain purposes at 1.9.2004 by [S.I. 2004/2066](#), [art. 2\(c\)\(xi\)](#)

235 In section 114 (payment of recognisances and fees on case stated)—

(a) for “the clerk of a magistrates' court” substitute “ a justices' clerk ”, and

(b) for “justices' chief executive” substitute “ designated officer ”.

236 (1) Amend section 116 (discharge of recognizance to keep the peace or be of good behaviour etc.) as follows.

(2) In subsection (1), omit “for any area to which this section applies”, the words from “, if the complaint” to “for that area,” and “for that area” (in the second place where it occurs).

(3) Omit subsection (3).

237 (1) Amend section 121 (constitution and place of sitting of court) as follows.

(2) Omit subsection (3).

(3) For subsection (4), substitute—

“(4) Subject to the provisions of any enactment to the contrary, a magistrates' court must sit in open court if it is—

(a) trying summarily an information for an indictable offence,

(b) trying an information for a summary offence,

(c) imposing imprisonment,

(d) hearing a complaint, or

(e) holding an inquiry into the means of an offender for the purposes of section 82.”

(4) In subsection (5), omit “, or sitting in an occasional court-house”.

238 In section 125(1) (warrants) for “the rules” substitute “ rules of court ”.

Commencement Information

I5 Sch. 8 para. 238 partly in force at 1.9.2004; Sch. 8 para. 238 not in force at Royal Assent see s. 110(1) (2); Sch. 8 para. 238 in force for certain purposes at 1.9.2004 by [S.I. 2004/2066](#), [art. 2\(c\)\(xi\)](#)

239 (1) Amend section 125B (execution of warrants by approved enforcement agency) as follows.

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- (2) In subsection (2), for the words from “under” onwards substitute “ by the Lord Chancellor ”.
- (3) After subsection (2), insert—
- “(2A) The Lord Chancellor must maintain a register containing the names of all persons and bodies approved by him under subsection (2) and must make such arrangements as he considers appropriate for making the register available for inspection.”
- (4) Omit subsection (3).
- (5) In subsection (5)(d), for the words from “under” onwards substitute “ by the Lord Chancellor under subsection (2A) ”.
- (6) After subsection (5), insert—
- “(6) A decision by the Lord Chancellor to revoke the approval of a person or body under subsection (2) does not have effect to revoke the approval until the Lord Chancellor has informed the person or body of the decision.”
- 240 (1) Amend section 125C (disclosure of information for enforcing warrants) as follows.
- (2) In subsection (1)—
- (a) for “a justices' chief executive” substitute “ the designated officer for a magistrates' court ”, and
- (b) omit “appointed by, or member of the staff of, his magistrates' courts committee”.
- (3) In subsection (2), in the definition of “a section 125A warrant” omit the words from “and” onwards.
- (4) In subsection (3), for paragraph (c) substitute—
- “(c) any justices' clerk or other person appointed under section 2(1) of the Courts Act 2003.”
- 241 In section 126 (execution of certain warrants outside England and Wales)—
- (a) for “Sections 12 to 14” substitute “ Section 13(1) and (2) ”, and
- (b) in paragraph (a), for “those referred to in the said sections 12 to 14” substitute “ indictable offences ”.
- 242 Omit sections 137 and 138 (fees and remission of fees).

Commencement Information

16 Sch. 8 para. 242 wholly in force at 10.1.2006, see s. 110(1)(2) and [S.I. 2005/3518](#), [art. 2\(a\)](#) (subject to [art. 3](#))

- 243 In section 139 (disposal of sums adjudged to be paid by conviction)—
- (a) for “A justices' chief executive” substitute “ The designated officer for a magistrates' court ”, and
- (b) for “section 60 of the Justices of the Peace Act 1997” substitute “ section 38 of the Courts Act 2003 ”.
- 244 Omit section 141 (clerks to justices).

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- 245 (1) Amend section 144 (rule committee) as follows.
- (2) In subsection (1), after “prescribing” insert “except in relation to—
- (a) any criminal cause or matter, or
- (b) family proceedings,”
- and for “and justices' chief executives” substitute “ and designated officers for magistrates' courts ”.
- (3) In subsection (2), omit “the President of the Family Division of the High Court, the Senior District Judge (Chief Magistrate)”.
- ^{F7}(4)
- (5) Omit subsection (5).

Textual Amendments

- F7** Sch. 8 para. 245(4) repealed (18.9.2012) by [The Public Bodies \(Abolition of Crown Court Rule Committee and Magistrates Courts Rule Committee\) Order 2012 \(S.I. 2012/2398\)](#), art. 1(2), **Sch. 2 para. 8**

Commencement Information

- I7** Sch. 8 para. 245 partly in force at 7.10.2005; Sch. 8 para. 245 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 245(1)(2) in force for certain purposes at 1.9.2004 by [S.I. 2004/2066](#), **art. 2(c)(xi)** (subject to **art. 3**); Sch. 8 para. 245(3)(4)(5) in force for certain purposes at 1.4.2005 by [S.I. 2005/910](#), **art. 3(y)(iii)(iv)**; Sch. 8 para. 245(2) in force for certain further purposes at 7.10.2005 by [S.I. 2005/2744](#), **art. 2(3)**
- I8** Sch. 8 para. 245(1)-(3) in force at 6.4.2011 in so far as not already in force by [S.I. 2010/2921](#), **art. 3(b)**

- 246 (1) Amend section 145 (rules: supplementary provisions) as follows.
- (2) In subsection (1), omit paragraphs (aa), (f) and (i).
- (3) Omit subsection (4).

Commencement Information

- I9** Sch. 8 para. 246 wholly in force at 1.9.2004, see s. 110(1)(2) and [S.I. 2004/2066](#), **art. 2(c)(xi)** (subject to **art. 3**)

- 247 Omit section 147(occasional court-house).
- 248 In section 148(2) (power of magistrates' courts to act where another may act), for “for the same petty sessions” substitute “ in the same local justice ”.
- 249 Omit section 149 (Isles of Scilly).
- 250 (1) Amend section 150(1) (interpretation) as follows.
- (2) Omit the definitions of “petty-sessional court-house”, “the register” and “the rules”.
- (3) In the definition of “prescribed”, for “the rules” substitute “ rules of court ”.

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Commencement Information

I10 Sch. 8 para. 250 wholly in force at 1.4.2005; Sch. 8 para. 250 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 250 in force for certain purposes at 1.9.2004 by [S.I. 2004/2066](#) {art. 2(c)(xi)} (subject to art. 3); Sch. 8 para. 250 in force insofar as not already in force at 1.4.2005 by [S.I. 2005/910](#), [art. 3\(y\)](#)

251 In section 152, for “the rules” substitute “ rules of court ”.

Commencement Information

I11 Sch. 8 para. 251 wholly in force at 1.9.2004, see s. 110(1)(2) and [S.I. 2004/2066](#), [art. 2\(c\)\(xi\)](#) (subject to [art. 3](#))

252 Omit section 153 (magistrates' courts may sit on Sundays and public holidays).

253 In section 155(4) (extent of section 126 of 1980 Act), for “sections” substitute “ section ”.

254 Omit Schedule 6 (fees).

Commencement Information

I12 Sch. 8 para. 254 wholly in force at 10.1.2006, see s. 110(1)(2) and [S.I. 2005/3518](#), [art. 2\(a\)](#) (subject to [art. 3](#))

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