



Access to Justice Act 1999

1999 CHAPTER 22

PART V

MAGISTRATES AND MAGISTRATES' COURTS

Execution of warrants

96 Execution by person not in possession of warrant.

In the Magistrates' Courts Act 1980, after section 125C (inserted by section 94 above) insert—

“125D Execution by person not in possession of warrant.

- (1) A warrant to which section 125A(1) above applies may be executed by any person entitled to execute it even though it is not in his possession at the time.
- (2) A warrant to which this subsection applies (and which is not a warrant to which section 125A(1) above applies) may be executed by a constable even though it is not in his possession at the time.
- (3) Subsection (2) above applies to—
 - (a) a warrant to arrest a person in connection with an offence;
 - (b) a warrant under section 186(3) of the ^{M1}Army Act 1955, section 186(3) of the ^{M2}Air Force Act 1955, section 105(3) of the ^{M3}Naval Discipline Act 1957 or Schedule 2 to the ^{M4}Reserve Forces Act 1996 (desertion etc.);
 - (c) a warrant under section 102 or 104 of the ^{M5}General Rate Act 1967 (insufficiency of distress);
 - (d) a warrant under section 47(8) of the ^{M6}Family Law Act 1996 (failure to comply with occupation order or non-molestation order);
 - (e) a warrant under paragraph 4 of Schedule 3 to the ^{M7}Crime and Disorder Act 1998 (unwilling witnesses);

Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Section 96. (See end of Document for details)

- (f) a warrant under paragraph 3(2) of Schedule 1 to [^{F1}the Powers of Criminal Courts (Sentencing) Act 2000] (offenders referred to court by youth offender panel); and
 - (g) a warrant under section 55, 76, 93, 97 or 97A above.
- (4) Where by virtue of this section a warrant is executed by a person not in possession of it, it shall, on the demand of the person arrested, committed or detained or against whom distress is levied, be shown to him as soon as practicable.”

Textual Amendments

F1 Words in s. 96 substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 204**

Commencement Information

I1 S. 96 wholly in force; s. 96 not in force at Royal Assent see s. 108; s. 96 in force at 19.2.2001 by S.I. 2001/168, **art. 2(a)** (subject to transitional provisions in art. 3)

Marginal Citations

M1 1955 c.18.
M2 1955 c.19.
M3 1957 c.53.
M4 1966 c.14.
M5 1967 c.9.
M6 1996 c.27.
M7 1998 c.37.

Changes to legislation:

There are currently no known outstanding effects for the Access to Justice Act 1999, Section 96.