



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART III

SATISFACTION AND ENFORCEMENT

Sums adjudged to be paid by a conviction

81 Enforcement of fines imposed on young offenders.

- (1) Where a magistrates' court would, but for [^{F1}section 227 of the Sentencing Code], have power to commit to prison a person under [^{F2}the age of 18] for a default consisting in failure to pay, or want of sufficient [^{F3}goods] to satisfy, a sum adjudged to be paid by a conviction, the court may, subject to the following provisions of this section, make—
- (a) an order requiring the defaulter's parent or guardian to enter into a recognizance to ensure that the defaulter pays so much of that sum as remains unpaid; or
 - (b) an order directing so much of that sum as remains unpaid to be paid by the defaulter's parent or guardian instead of by the defaulter.
- (2) An order under subsection (1) above shall not be made in respect of a defaulter—
- (a) in pursuance of paragraph (a) of that subsection, unless the parent or guardian in question consents;
 - (b) in pursuance of paragraph (b) of that subsection, unless the court is satisfied in all the circumstances that it is reasonable to make the order.
- (3) None of the following orders, namely—
- (a) an order under [^{F4} section 60(1) of the said Act of 2000]^{M1} for attendance at an attendance centre; or
 - (b) any order under subsection (1) above,

shall be made by a magistrates' court in consequence of a default of a person under [^{F2}the age of 18] years consisting in failure to pay, or want of sufficient [^{F5}goods] to satisfy, a sum adjudged to be paid by a conviction unless the court has since the conviction inquired into the defaulter's means in his presence on at least one occasion.

Changes to legislation: Magistrates' Courts Act 1980, Section 81 is up to date with all changes known to be in force on or before 18 April 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) View outstanding changes

- (4) An order under subsection (1) above shall not be made by a magistrates' court unless the court is satisfied that the defaulter has, or has had since the date on which the sum in question was adjudged to be paid, the means to pay the sum or any instalment of it on which he has defaulted, and refuses or neglects or, as the case may be, has refused or neglected, to pay it.
- (5) An order under subsection (1) above may be made in pursuance of paragraph (b) of that subsection against a parent or guardian who, having been required to attend, has failed to do so; but, save as aforesaid, an order under that subsection shall not be made in pursuance of that paragraph without giving the parent or guardian an opportunity of being heard.
- (6) A parent or guardian may appeal to the Crown Court against an order under subsection (1) above made in pursuance of paragraph (b) of that subsection.
- (7) Any sum ordered under subsection (1)(b) above to be paid by a parent or guardian may be recovered from him in like manner as if the order had been made on the conviction of the parent or guardian of an offence.
- (8) In this section—

“guardian”, in relation to a person under [^{F2}the age of 18], means a person appointed, according to law, to be his guardian ^{F6}, or by order of a court of competent jurisdiction;

F7

“sum adjudged to be paid by a conviction” means any fine, costs, compensation or other sum adjudged to be paid by an order made on a finding of guilt, including [^{F8}a compensation order (within the meaning given by section 133 of the Sentencing Code)].

Textual Amendments

- F1** Words in s. 81(1) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 50(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F2** Words in s. 81(1)(3)(8) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 68, 101(1), Sch. 8 para. 6(2), **Sch. 12 para. 22(1)**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F3** Word in s. 81(1) substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 50** (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F4** Words in s. 81(3) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 67(1)(3)**
- F5** Word in s. 81(3) substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 50** (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F6** Words in s. 81(8) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**
- F7** Definition of “the statutory restrictions upon the imprisonment of young offenders” repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 78, **Sch. 16**
- F8** Words in s. 81(8) substituted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 50(3)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

- C1** S. 81 restricted (3.2.1995) by 1994 c. 37, **ss. 9(4)(a), 69(2)** (with s. 66(2))
S. 81 modified (1.1.1998) by 1997 c. 43, **s. 35(2)**; S.I. 1997/2200, **art. 3(a)**
S. 81 amended (1.1.1998) by 1997 c. 43, **s. 40(2)**; S.I. 1997/2200, art., 3(c)

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Marginal Citations

M1 2000 c.6

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Changes and effects yet to be applied to :

- s. 81(3)(a) substituted by 2008 c. 4 Sch. 26 para. 1

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by 2017 anaw 2 Sch. 3 para. 18(5)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(6A) inserted by 2003 c. 44 Sch. 36 para. 8(5)
- s. 1(6A) words substituted by 2015 c. 2 Sch. 11 para. 3(4) (Effect not applied as (6A) was only inserted prospectively.)
- s. 1(7A) inserted by 2003 c. 44 Sch. 36 para. 8(6)
- s. 12(2A) inserted by 2022 c. 35 s. 4(3)
- s. 12(5A)-(5F) inserted by 2022 c. 35 s. 4(6)
- s. 17A(1A) inserted by 2022 c. 35 Sch. 2 para. 6(2)(b)
- s. 17B(1A)-(1F) substituted for s. 17B(1) by 2022 c. 35 s. 9(2)(b)
- s. 17B(5) inserted by 2022 c. 35 s. 9(2)(d)
- s. 17BA inserted by 2022 c. 35 s. 7
- s. 17ZA-17ZC inserted by 2022 c. 35 s. 6(2)
- s. 18(1)-(1B) substituted for s. 18(1) by 2022 c. 35 Sch. 2 para. 6(7)(a)
- s. 18(4A)(4B) inserted by 2022 c. 35 Sch. 2 para. 6(7)(b)
- s. 18(6) inserted by 2022 c. 35 Sch. 2 para. 6(7)(c)
- s. 20(7A)(7B) inserted by 2022 c. 35 Sch. 2 para. 6(8)(c)
- s. 22(2A)-(2E) inserted by 2022 c. 35 Sch. 2 para. 6(9)(a)
- s. 22A(1A)-(1E) inserted by 2022 c. 35 s. 6(3)(b)
- s. 23(1A)-(1G) substituted for s. 23(1) by 2022 c. 35 s. 9(4)(b)
- s. 23(4A)(4B) inserted by 2022 c. 35 s. 9(4)(d)
- s. 24A(1A) inserted by 2022 c. 35 Sch. 2 para. 6(11)(b)
- s. 24BA inserted by 2022 c. 35 s. 9(5)
- s. 24ZA24ZB inserted by 2022 c. 35 s. 8
- s. 75A inserted by 2013 c. 22 s. 26(1)
- s. 85(5) inserted by 2013 c. 22 s. 26(4)
- s. 139A inserted by 2013 c. 22 s. 26(6)
- s. 145(1A) inserted by 2010 c. 26 Sch. 3 para. 8(3) (This amendment not applied to legislation.gov.uk. Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by 2013 c. 22, s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 145(1A) repealed by 2010 c. 26 Sch. 4 Pt. 2 (This amendment not applied to legislation.gov.uk. Sch. 4 Pt. 2 repealed (4.9.2013) without ever being in force by 2013 c. 22, s. 17(4) ; S.I. 2013/2200 art. 2(a))
- Sch. 6A (entry) by 2000 c. 43 Sch. 7 para. 69