

*Status: Point in time view as at 08/04/2013.*

*Changes to legislation: Courts Act 2003, Paragraph 38 is up to date with all changes known to be in force on or before 20 June 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 5

#### COLLECTION OF FINES <sup>[F1]</sup>AND OTHER SUMS IMPOSED ON CONVICTION]

##### Textual Amendments

- F1** Sch. 5: words in heading inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, 5 (with transitional provision in art. 3)

##### Modifications etc. (not altering text)

- C1** Sch. 5 applied (with modifications) (temp. from 23.3.2004 for certain purposes, 29.3.2004 for certain further purposes, 5.4.2004 for all purposes to 31.3.2006) by [S.I. 2004/175](#), arts. 1-3, Sch. (as amended by [S.I. 2004/1406](#), arts. 3, 4; [S.I. 2005/487](#), arts. 4-6; [S.I. 2005/642](#), art. 2; [S.I. 2005/2410](#), art. 2; [S.I. 2005/3166](#), art. 2)
- C1** Sch. 5 modified (temp. from 27.3.2006 to 2.7.2006) by [The Collection of Fines \(Pilot Scheme\) and Discharge of Fines by Unpaid Work \(Pilot Schemes\) \(Amendment\) Order 2006 \(S.I. 2006/502\)](#), arts. 1(1)(b)(2), 5 (with transitional provision in art. 4)
- C1** Sch. 5 restricted (prosp.) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 56-58, 173(4)
- C1** Sch. 5 applied (1.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 85(7)(b), 153; [S.I. 2009/2606](#), art. 2(f)

### PART 9

#### <sup>[F1]</sup>FURTHER STEPS]

##### Textual Amendments

- F1** Sch. 5 Pt. 9: heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 23

##### *The range of further steps available against defaulters*

- 38 (1) The steps referred to in paragraphs 37(6)(b)<sup>[F1]</sup>, 37A(3)(a)] and 39(3) and (4) (powers to take further steps) are—
- (a) issuing a warrant of distress for the purpose of <sup>[F2]</sup>recovering] the sum due;
  - (b) registering the sum in the register of judgments and orders required to be kept by section 98;
  - (c) making an attachment of earnings order or an application for benefit deductions;
  - (d) subject to sub-paragraph (3), making a clamping order;
  - <sup>[F3]</sup>(e) taking proceedings by virtue of section 87(1) of the 1980 Act (enforcement of payment of fines by High Court and county court).]

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- [<sup>F4</sup>(f) subject to sub-paragraph (4), issuing a certificate requesting enforcement under the Framework Decision on financial penalties;]
- (2) A clamping order is an order—
- (a) that a motor vehicle be fitted with an immobilisation device (“clamped”), and
  - (b) which complies with any requirements that are imposed by fines collection regulations under paragraph 46 with respect to the making of clamping orders.
- (3) A clamping order must not be made except in relation to a vehicle which is registered under the Vehicle Excise and Registration Act 1994 in P’s name.
- [<sup>F5</sup>(4) A certificate requesting enforcement under the Framework Decision on financial penalties may only be issued where—
- (a) the sum due is a financial penalty within the meaning of section 80 of the Criminal Justice and Immigration Act 2008, and
  - (b) it appears to the fines officer or the court that P is normally resident, or has property or income, in a member State other than the United Kingdom.
- (5) In this paragraph, references to a certificate requesting enforcement under the Framework Decision on financial penalties are to be construed in accordance with section 92(3) of the Criminal Justice and Immigration Act 2008.]

#### Textual Amendments

- F1** Words in Sch. 5 para. 38(1) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 88(5)(a)**, 151(1); S.I. 2013/453, art. 4(a)
- F2** Word in Sch. 5 para. 38(1)(a) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 88(5)(b)**, 151(1); S.I. 2013/453, art. 4(a)
- F3** Sch. 5 para. 38(1)(e) substituted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 26
- F4** Sch. 5 para. 38(1)(f) inserted (1.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 80(1)(a)**, 153 (with [Sch. 27 para. 29\(1\)](#)); S.I. 2009/2606, **art. 2(a)**
- F5** Sch. 5 para. 38(4)(5) inserted (1.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 80(1)(b)**, 153 (with [Sch. 27 para. 29\(1\)](#)); S.I. 2009/2606, **art. 2(a)**

#### Commencement Information

- II** Sch. 5 para. 38 wholly in force at 5.4.2004; Sch. 5 para. 38 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 38 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 38 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 38 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

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