

Status: Point in time view as at 03/11/2008.

Changes to legislation: Courts Act 2003, Part 3 is up to date with all changes known to be in force on or before 26 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)

SCHEDULES

SCHEDULE 5

COLLECTION OF FINES ^[F1] 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 3

ATTACHMENT OF EARNINGS ORDERS AND APPLICATIONS FOR BENEFIT DEDUCTIONS

Application of Part

- 7 ^[F1](1) This Part does not apply where the court is hearing P's case following an appeal under paragraph 23, 32 or 37(9).]
- (2) In the following provisions of this Part, “the relevant court” means—
- the court which is imposing the liability to pay the sum due, or
 - ^{F2} . . . the magistrates' court responsible for enforcing payment of the sum due.
- ^{F3}(3) For the purposes of this Schedule—
- an attachment of earnings order, or
 - an application for benefit deductions,
- is an order or application to secure the payment of the whole of the sum due.]

Textual Amendments

- F1** Sch. 5 para. 7(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 10(a)

Status: Point in time view as at 03/11/2008.

Changes to legislation: Courts Act 2003, Part 3 is up to date with all changes known to be in force on or before 26 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)

- F2** Words in Sch. 5 para. 7(2)(b) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **10(b)**
- F3** Sch. 5 para. 7(3) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **10(c)**

Commencement Information

- I1** Sch. 5 para. 7 wholly in force at 5.4.2004; Sch. 5 para. 7 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 7 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. **4(a)**; Sch. 5 para. 7 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. **4(b)**; Sch. 5 para. 7 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. **4(c)**

Attachment of earnings order or application for benefit deductions where P is liable to pay compensation

- [^{F4}7A (1) This paragraph applies if the sum due consists of or includes a sum required to be paid by a compensation order.
- (2) The relevant court must make an attachment of earnings order if it appears to the court—
- (a) that P is in employment, and
 - (b) that it is not impracticable or inappropriate to make the order.
- (3) The relevant court must make an application for benefit deductions if it appears to the court—
- (a) that P is entitled to a relevant benefit, and
 - (b) that it is not impracticable or inappropriate to make the application.
- (4) If it appears to the court that (apart from this sub-paragraph) both sub-paragraph (2) and sub-paragraph (3) would apply, the court must make either an attachment of earnings order or an application for benefit deductions.]

Textual Amendments

- F4** [Sch. 5 para. 7A](#) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **11**

Attachment of earnings order or application for benefit deductions without P's consent

- 8 [^{F5}(1) This paragraph applies if—
- (a) paragraph 7A does not apply, and
 - (b) the relevant court concludes that P is an existing defaulter and that his existing default (or defaults) cannot be disregarded.]
- (2) The court must make an attachment of earnings order if it appears to the court—
- (a) that P is in employment, and
 - (b) that it is not impracticable or inappropriate to make the order.
- (3) The court must make an application for benefit deductions if it appears to the court—
- (a) that P is entitled to a relevant benefit, and
 - (b) that it is not impracticable or inappropriate to make the application.

Status: Point in time view as at 03/11/2008.

Changes to legislation: Courts Act 2003, Part 3 is up to date with all changes known to be in force on or before 26 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)

- (4) If it appears to the court that (apart from this sub-paragraph) both sub-paragraph (2) and sub-paragraph (3) would apply, the court must make either an attachment of earnings order or an application for benefit deductions.

Textual Amendments

- F5** Sch. 5 para. 8(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 12

Commencement Information

- I2** Sch. 5 para. 8 wholly in force at 5.4.2004; Sch. 5 para. 8 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 8 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. 4(a); Sch. 5 para. 8 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. 4(b); Sch. 5 para. 8 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. 4(c)

Attachment of earnings order or application for benefit deductions with P's consent

- 9 ^{F6}(1) This paragraph applies if—
- (a) paragraph 7A does not apply, and
 - (b) the relevant court concludes that P is not an existing defaulter or, if he is, that his existing default (or defaults) can be disregarded.]
- (2) The court may make—
- (a) an attachment of earnings order, or
 - (b) an application for benefit deductions,
- if P consents.

Textual Amendments

- F6** Sch. 5 para. 9(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 13

Commencement Information

- I3** Sch. 5 para. 9 wholly in force at 5.4.2004; Sch. 5 para. 9 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 9 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. 4(a); Sch. 5 para. 9 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. 4(b); Sch. 5 para. 9 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. 4(c)

^{F7}Disclosure of information in connection with application for benefit deductions

Textual Amendments

- F7** Sch. 5 paras. 9A-9C and cross-headings inserted (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 41, 153; [S.I. 2008/2712](#), art. 2, Sch. para. 6 (subject to arts. 3, 4)

- 9A (1) The designated officer for a magistrates' court may make an information request to the Secretary of State for the purpose of facilitating the making of a decision by the court as to whether it is practicable or appropriate to make an application for benefit deductions in respect of P.

Status: Point in time view as at 03/11/2008.

Changes to legislation: Courts Act 2003, Part 3 is up to date with all changes known to be in force on or before 26 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)

- (2) An information request is a request for the disclosure of some or all of the following information—
- (a) P's full name;
 - (b) P's address (or any of P's addresses);
 - (c) P's date of birth;
 - (d) P's national insurance number;
 - (e) P's benefit status.
- (3) On receiving an information request, the Secretary of State may disclose the information requested to—
- (a) the officer who made the request, or
 - (b) a justices' clerk specified in the request.

Restrictions on disclosure

- 9B (1) A person to whom information is disclosed under paragraph 9A(3), or this sub-paragraph, may disclose the information to any person to whom its disclosure is necessary or expedient in connection with facilitating the making of a decision by the court as to whether it is practicable or appropriate to make an application for benefit deductions in respect of P.
- (2) A person to whom such information is disclosed commits an offence if the person—
- (a) discloses or uses the information, and
 - (b) the disclosure is not authorised by sub-paragraph (1) or (as the case may be) the use is not for the purpose of facilitating the making of such a decision as is mentioned in that sub-paragraph.
- (3) But it is not an offence under sub-paragraph (2)—
- (a) to disclose any information in accordance with any enactment or order of a court or for the purposes of any proceedings before a court; or
 - (b) to disclose any information which has previously been lawfully disclosed to the public.
- (4) It is a defence for a person charged with an offence under sub-paragraph (2) to prove that the person reasonably believed that the disclosure or use was lawful.
- (5) A person guilty of an offence under sub-paragraph (2) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Paragraphs 9A and 9B: supplementary

- 9C (1) This paragraph applies for the purposes of paragraphs 9A and 9B.
- (2) “Benefit status”, in relation to P, means whether or not P is in receipt of any prescribed benefit or benefits and, if so (in the case of each benefit)—
- (a) which benefit it is,
 - (b) where it is already subject to deductions under any enactment, the nature of the deductions concerned, and
 - (c) the amount received by P by way of the benefit, after allowing for any such deductions.
- (3) “Information” means information held in any form.

Status: Point in time view as at 03/11/2008.

Changes to legislation: Courts Act 2003, Part 3 is up to date with all changes known to be in force on or before 26 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)

- (4) “Prescribed” means prescribed by regulations made by the Lord Chancellor.
- (5) Nothing in paragraph 9A or 9B authorises the making of a disclosure which contravenes the Data Protection Act 1998.]

Meaning of “relevant benefit” and “application for benefit deductions”

- 10 In this Schedule—
- (a) “relevant benefit” means a benefit from which the Secretary of State may make deductions by virtue of section 24 of the Criminal Justice Act 1991 (recovery of fines etc. by deductions from income support etc.), and
- (b) “application for benefit deductions”, in relation to a relevant benefit, means an application to the Secretary of State asking him to deduct sums from any amounts payable to P by way of the benefit.

Commencement Information

- I4** Sch. 5 para. 10 wholly in force at 5.4.2004; Sch. 5 para. 10 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 10 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 10 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 10 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Status:

Point in time view as at 03/11/2008.

Changes to legislation:

Courts Act 2003, Part 3 is up to date with all changes known to be in force on or before 26 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.