

*Status: Point in time view as at 23/02/2004.*

*Changes to legislation: Courts Act 2003, Part 4 is up to date with all changes known to be in force on or before 21 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

##### **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](#))

#### **PART 4**

#### MAKING OF COLLECTION ORDERS

##### *Application of Part*

- 11 (1) This Part applies if—
- (a) the court imposing the liability to pay the sum due concludes that P should not be required to pay the sum due immediately, or
  - (b) P was required to pay the sum due immediately but failed to do so;
- (and it applies whether or not the relevant court has made an attachment of earnings order or application for benefit deductions under Part 3 of this Schedule).
- (2) In this Part “the relevant court” has the same meaning as in Part 3 of this Schedule.

##### **Commencement Information**

- II** Sch. 5 para. 11 wholly in force at 5.4.2004; Sch. 5 para. 11 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 11 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 11 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 11 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

##### *Court’s power to make a collection order*

- 12 (1) The relevant court must make an order (“a collection order”) relating to the payment of the sum due, unless it appears to the court that it is impracticable or inappropriate to make the order.

*Status: Point in time view as at 23/02/2004.*

*Changes to legislation: Courts Act 2003, Part 4 is up to date with all changes known to be in force on or before 21 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) If P is subject to a collection order, the powers of any court to deal with P’s liability to pay the sum due are subject to the provisions of this Schedule and to fines collection regulations.

**Commencement Information**

- I2** Sch. 5 para. 12 wholly in force at 5.4.2004; Sch. 5 para. 12 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 12 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 12 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 12 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

*Contents of collection orders: general*

- 13 (1) The collection order must—
- (a) state the amount of the sum due, the amount of the fine and the amount of any other part of the sum due,
  - (b) state the court’s conclusions as to whether P is an existing defaulter and if so whether the existing default (or defaults) can be disregarded,
  - (c) if the court has made an attachment of earnings order or an application for benefit deductions, state that fact,
  - (d) specify the fines office to which the order is allocated, and
  - (e) contain information about the effect of the order.
- (2) In this Schedule “the fines officer”, in relation to P, means any fines officer working at the fines office specified in the collection order.

**Commencement Information**

- I3** Sch. 5 para. 13 wholly in force at 5.4.2004; Sch. 5 para. 13 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 13 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 13 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 13 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

*Contents of collection orders: no attachment of earnings order etc. made*

- 14 (1) If the relevant court has not under Part 3 made an attachment of earnings order or an application for benefit deductions, the collection order must state the payment terms.
- (2) “The payment terms” means—
- (a) a term requiring P to pay the sum due within a specified period, or
  - (b) terms requiring P to pay the sum due by instalments of specified amounts on or before specified dates.

**Commencement Information**

- I4** Sch. 5 para. 14 wholly in force at 5.4.2004; Sch. 5 para. 14 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 14 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 14 in

*Status: Point in time view as at 23/02/2004.*

*Changes to legislation: Courts Act 2003, Part 4 is up to date with all changes known to be in force on or before 21 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)*

force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 14 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

*Contents of collection orders: attachment of earnings order etc. made*

- 15 (1) If the court has under Part 3 of this Schedule made an attachment of earnings order or an application for benefit deductions, the collection order must state the reserve terms.
- (2) “The reserve terms” means terms of a description mentioned in paragraph 14(2) but which (subject to paragraphs 31, 32, 35, 36 and 39) are to have effect if the attachment of earnings order or application for benefit deductions fails.

**Commencement Information**

- 15** Sch. 5 para. 15 wholly in force at 5.4.2004; Sch. 5 para. 15 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 15 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 15 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 15 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

*When an attachment of earnings order fails*

- 16 For the purposes of this Schedule, an attachment of earnings order fails if—
- (a) P’s employer fails to comply with the order, or
  - (b) the order is discharged at a time when P remains liable to pay any part of the sum due.

**Commencement Information**

- 16** Sch. 5 para. 16 wholly in force at 5.4.2004; Sch. 5 para. 16 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 16 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 16 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 16 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

*When an application for benefit deductions fails*

- 17 For the purposes of this Schedule, an application for benefit deductions fails if—
- (a) the application is withdrawn,
  - (b) the Secretary of State decides not to make deductions,
  - (c) an appeal against a decision of the Secretary of State to make deductions succeeds, or
  - (d) the Secretary of State ceases to make deductions at a time when P remains liable to pay any part of the sum due.

**Commencement Information**

- 17** Sch. 5 para. 17 wholly in force at 5.4.2004; Sch. 5 para. 17 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 17 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 17 in

---

*Status: Point in time view as at 23/02/2004.*

**Changes to legislation:** Courts Act 2003, Part 4 is up to date with all changes known to be in force on or before 21 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)

---

force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 17 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

**Status:**

Point in time view as at 23/02/2004.

**Changes to legislation:**

Courts Act 2003, Part 4 is up to date with all changes known to be in force on or before 21 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.