

Status: Point in time view as at 23/02/2004.

Changes to legislation: Courts Act 2003, Part 7 is up to date with all changes known to be in force on or before 02 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 7

EFFECT OF FIRST DEFAULT ON COLLECTION ORDER CONTAINING PAYMENT TERMS

Application of Part

- 25 This Part applies on the first occasion on which P is in default on a collection order containing payment terms and none of the following is pending—
- an application under paragraph 22 (application to fines officer for variation of order or for attachment of earnings order etc.);
 - an appeal under paragraph 23 (appeal against decision of fines officer);
 - a reference under paragraph 42 (power of fines officer to refer case to magistrates' court).

Commencement Information

- II** Sch. 5 para. 25 wholly in force at 5.4.2004; Sch. 5 para. 25 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 25 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 25 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 25 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 to be made

- 26 (1) The fines officer must make an attachment of earnings order if it appears to him—
- that P is in employment, and
 - that it is not impracticable or inappropriate to make the order.
- (2) The fines officer must make an application for benefit deductions if it appears to him—

Status: Point in time view as at 23/02/2004.

Changes to legislation: Courts Act 2003, Part 7 is up to date with all changes known to be in force on or before 02 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)

- (a) that P is entitled to a relevant benefit, and
 - (b) that it is not impracticable or inappropriate to make the application.
- (3) If it appears to the fines officer that (apart from this sub-paragraph) both sub-paragraph (1) and sub-paragraph (2) would apply, he must make either an attachment of earnings order or an application for benefit deductions.

Commencement Information

- I2** Sch. 5 para. 26 wholly in force at 5.4.2004; Sch. 5 para. 26 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 26 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 26 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 26 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Increase in fine

- 27 (1) This paragraph applies if—
- (a) an attachment of earnings order, or
 - (b) an application for benefit deductions,
- made under paragraph 26 fails.
- (2) This paragraph also applies if the fines officer does not make—
- (a) an attachment of earnings order, or
 - (b) an application for benefit deductions,
- under paragraph 26.
- (3) An increase is imposed on the fine which is the subject of the order.
- (4) The amount of the increase is to be determined in accordance with fines collection regulations but must not be greater than 50% of the fine.
- (5) The increase is given effect by treating it as part of the fine imposed on P on his conviction.
- (6) But the liability to pay the part of the fine representing the increase—
- (a) ranks after the liability to pay any other part of the sum due, and
 - (b) is subject to paragraphs 35(6) and 39(2) (liability to increase extinguished in cases of subsequent compliance).

Commencement Information

- I3** Sch. 5 para. 27 wholly in force at 5.4.2004; Sch. 5 para. 27 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 27 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 27 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 27 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 7 is up to date with all changes known to be in force on or before 02 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)

Notice of increase etc.

- 28 If an increase is imposed, the fines officer must deliver a notice to P (an “increase notice”)—
- (a) informing P of the increase, and
 - (b) requiring P, within 10 working days from the date of the notice, to contact the fines officer, in person or in writing, with a view to reviewing the position.

Commencement Information

- I4** Sch. 5 para. 28 wholly in force at 5.4.2004; Sch. 5 para. 28 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 28 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 28 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 28 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 7 is up to date with all changes known to be in force on or before 02 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.