



Sentencing Act 2020

2020 CHAPTER 17

THIRD GROUP OF PARTS Disposals

PART 7

FINANCIAL ORDERS AND ORDERS RELATING TO PROPERTY

CHAPTER 1

FINES

Fines: payment

128 Fine imposed on offender aged under 18: payment by parent or guardian

- (1) This section applies where a court—
 - (a) is dealing with an offender for an offence,
 - (b) the offender is aged under 18 when convicted, and
 - (c) but for this subsection, the court would impose a fine on the offender in respect of the offence.
- (2) Section 380 (order for payment by parent or guardian) applies to the fine.
- (3) Subsections (4) to (6) apply for the purposes of any order made under section 380 against the offender's parent or guardian.
- (4) The following provisions are to be read as if any reference to the financial circumstances of the offender were a reference to the financial circumstances of the offender's parent or guardian—
 - (a) section 124 (duty of court to inquire into individual offender's financial circumstances);
 - (b) subsections (2) and (3) of section 125 (fixing of fine: exercise of court's powers).

Status: Point in time view as at 01/12/2020.

Changes to legislation: Sentencing Act 2020, Cross Heading: Fines: payment is up to date with all changes known to be in force on or before 17 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)

This is subject to subsection (7).

- (5) Section 126 (power to determine financial circumstances where offender is absent or fails to provide information) does not apply (but see section 382).
- (6) The reference to the offender's means in section 125(4) (insufficient means to pay fine and surcharge) is to be read as a reference to the means of the offender's parent or guardian.
- (7) For the purposes of any order under section 380 made against a local authority, section 124 does not apply.

Commencement Information

II S. 128 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

129 Fine imposed on offender by Crown Court: duty to make term in default order

- (1) This section applies when the Crown Court imposes a fine on an offender who is aged 18 or over when convicted of the offence.

But it does not apply in relation to a fine imposed by the Crown Court on appeal against a decision of a magistrates' court.

- (2) Subsections (3) to (5) also apply in relation to a fine imposed on such an offender—
 - (a) by the criminal division of the Court of Appeal, or
 - (b) by the Supreme Court on appeal from that division.
- (3) The court must make an order (a “term in default order”) fixing a term—
 - (a) of imprisonment, or
 - (b) of detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000,
 which the offender is to undergo if any sum which the offender is liable to pay is not duly paid or recovered.
- (4) Column 3 of the following table sets out the maximum term of imprisonment or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 which may be fixed by a term in default order in relation to a sum that is—
 - (a) more than the corresponding entry (if any) in column 1, but
 - (b) not more than the corresponding entry (if any) in column 2.

<i>Amount of sum</i>		<i>Maximum term</i>
<i>More than</i>	<i>Not more than</i>	
	£200	7 days
£200	£500	14 days
£500	£1,000	28 days
£1,000	£2,500	45 days
£2,500	£5,000	3 months

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£5,000	£10,000	6 months
£10,000	£20,000	12 months
£20,000	£50,000	18 months
£50,000	£100,000	2 years
£100,000	£250,000	3 years
£250,000	£1,000,000	5 years
£1,000,000		10 years.

- (5) The offender may not be committed to prison, or detained, by virtue of a term in default order on the same occasion as the fine is imposed unless—
- (a) the offence to which the fine relates is punishable with imprisonment and the offender appears to the court to have sufficient means to pay the sum forthwith,
 - (b) it appears to the court that the offender is unlikely to remain long enough at a place of abode in the United Kingdom to enable payment of the sum to be enforced by other methods,
 - (c) on that occasion the court sentences the offender to immediate imprisonment, custody for life or detention in a young offender institution for that or another offence, or
 - (d) the offender is already serving a sentence of custody for life or a term—
 - (i) of imprisonment,
 - (ii) of detention in a young offender institution, or
 - (iii) of detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention in default).
- (6) Where any person liable for the payment of a fine to which this section applies is sentenced by the court to, or is serving or otherwise liable to serve, a term (“the current term”)—
- (a) of imprisonment,
 - (b) of detention in a young offender institution, or
 - (c) of detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention in default),
- the court may order that any term of imprisonment or detention fixed by a term in default order is not to begin to run until after the end of the current term.
- (7) Nothing in any enactment which authorises the Crown Court to deal with an offender in any way in which a magistrates' court might have dealt, or could deal, with the offender restricts the powers conferred by this section.

This is subject to subsection (8).

- (8) Where—
- (a) the Crown Court imposes a fine in exercise of powers to deal with an offender in any way in which a magistrates' court might have dealt, or could deal, with the offender, and
 - (b) section 149(1) of the Customs and Excise Management Act 1979 (maximum periods of imprisonment in default of payment of certain fines) specifies a period that would have applied to the fine had it been imposed by a magistrates' court,

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the term imposed by the Crown Court under subsection (3) in relation to the fine must not exceed that period.

- (9) For the purposes of any reference in this section, however expressed, to the term of imprisonment or other detention—
- (a) to which a person has been sentenced, or
 - (b) which, or part of which, the person has served,
- consecutive terms and terms which are wholly or partly concurrent are treated as a single term, unless the context otherwise requires.
- (10) Any reference in this section, however expressed, to a previous sentence is to be read as a reference to a previous sentence passed by a court in Great Britain.

Modifications etc. (not altering text)

- C1** S. 129(4) applied by 2006 c. 52, s. 269B(4) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 65](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))
- C2** S. 129(4) applied by 2006 c. 52, s. 269A(2) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 64](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

Commencement Information

- I2** S. 129 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

130 Fine imposed by Crown Court: power to allow time for payment or payment by instalments

When the Crown Court imposes a fine on an offender, it may make an order—

- (a) allowing time for the payment of the fine, or
- (b) directing payment of the fine by instalments of the amounts and on the dates specified in the order.

Commencement Information

- I3** S. 130 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

131 Fine imposed by Crown Court: power to search offender

See section 142 of the Powers of Criminal Courts (Sentencing) Act 2000 for the power of the Crown Court to search an offender on whom it imposes a fine.

Commencement Information

- I4** S. 131 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

132 Enforcement of fines imposed on offenders by Crown Court

- (1) A fine imposed on an offender by the Crown Court is to be treated for the purposes of collection, enforcement and remission as having been imposed—
- (a) by a magistrates' court specified in an order made by the Crown Court, or

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- (b) if no such order is made, by the magistrates' court by which the offender was sent to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998,

and as having been so imposed on conviction by the magistrates' court in question.

This is subject to subsection (5).

- (2) Subsection (3) applies where a magistrates' court issues a warrant of commitment on a default in the payment of a fine imposed by the Crown Court on an offender.
- (3) The term of imprisonment, or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000, specified in the warrant of commitment as the term which the offender is liable to serve is to be—
- (a) the term fixed by the Crown Court under section 129(3), or
- (b) if that term has been reduced under section 79(2) of the Magistrates' Courts Act 1980 (part payment) or section 85(2) of that Act (remission), that term as so reduced,

even if that term exceeds the period applicable to the case under section 149(1) of the Customs and Excise Management Act 1979 (maximum periods of imprisonment in default of payment of certain fines).

- (4) Subsections (1) to (3) apply in relation to a fine imposed on an offender—
- (a) by the criminal division of the Court of Appeal, or
- (b) by the Supreme Court on appeal from that division,
- as they apply in relation to a fine imposed by the Crown Court.

References in those subsections to the Crown Court (except the reference in subsection (1)(b)) are to be read accordingly.

- (5) A magistrates' court must not, under section 85(1) of the Magistrates' Courts Act 1980 as applied by subsection (1), remit the whole or any part of a fine imposed by—
- (a) the Crown Court,
- (b) the criminal division of the Court of Appeal, or
- (c) the Supreme Court on appeal from that division,
- without the consent of the Crown Court.

- (6) Where payment of a fine is enforceable by a magistrates' court by virtue of this section, the fine is to be treated for the purposes of section 38 of the Courts Act 2003 (application of receipts of designated officers) as having been imposed by a magistrates' court.

Commencement Information

15 S. 132 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Status:

Point in time view as at 01/12/2020.

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