



2016 CHAPTER 21

PART 1

FINES AND OTHER PENALTIES: ENFORCEMENT

CHAPTER 1

Collection of Fines etc.

Default on payment

Powers of collection officer in relation to debtor in default

6.—(1) The collection officer may at any time the officer considers appropriate refer the debtor’s case to the court which is responsible for enforcing payment of the sum due; and a reference in this Chapter to “the responsible court” is a reference to that court.

(2) The collection officer may, on an application by the debtor (which may be made orally or in writing), vary the terms of the collection order—

- (a) by extending the period within which payment of the outstanding amount is required,
- (b) by permitting payment of the outstanding amount by instalments of specified amounts on or before specified dates, or
- (c) where the order already permits payment by instalments, by amending the amounts of the instalments, the dates on or before which they must be paid, or both.

(3) The collection officer may, whether or not on an application by the debtor (which may be made orally or in writing) and whether or not the debtor consents—

- (a) if it appears to the officer that the debtor is receiving a relevant benefit (see section 14(3)), make an application for deduction from benefits in relation to the debtor;
- (b) if it appears to the officer that the debtor is receiving or expecting to receive earnings, make an attachment of earnings order in relation to the debtor;
- (c) if it appears to the officer that the debtor is both receiving or expecting to receive earnings and receiving a relevant benefit, either make an application for deduction from benefits or make an attachment of earnings order in relation to the debtor.

(4) But the collection officer may take action under subsection (3) only if the officer, having considered whether it would be appropriate to take action under subsection (2) (on the assumption that the debtor had made the necessary application), is satisfied that it would be more appropriate to take the action under subsection (3).

(5) Where the collection officer is unable to secure compliance with the collection order by taking action under subsection (2) or (3) but is satisfied that there are funds in an account held with a deposit-taker in the debtor's sole name, the collection officer—

- (a) may make an interim bank account order in relation to the debtor (see section 20), and
- (b) where the collection officer does so, must refer the debtor's case to the responsible court.

(6) Where the collection officer is unable to secure compliance with the collection order by taking action under subsection (5), the collection officer may refer the debtor's case to the responsible court with a request that the court make a vehicle seizure order (see section 23).

(7) But the collection officer may not make a referral and request under subsection (6) unless the officer is satisfied that—

- (a) the vehicle to which the request relates is registered in the debtor's name,
- (b) the debtor has sufficient means to pay the outstanding amount, and
- (c) an amount equivalent to the value of the vehicle (if sold) would be sufficient to discharge the outstanding amount and the amount of any charges likely to be imposed and costs likely to be incurred in connection with executing a vehicle seizure order in relation to the vehicle.

(8) Before taking action under this section, the collection officer must notify the debtor of the action the officer has decided to take; but, where the collection officer decides to make an interim bank account order, the officer need not notify the debtor of that decision until the order is made and any arrangements required for its implementation are in place.

(9) The collection officer, having referred the debtor's case to the responsible court under this section, may not exercise a power under subsections (2) to (6) in relation to the debtor (but may in reliance on subsection (1) refer the case to the responsible court again).

(10) A magistrates' court may, on a complaint made by a collection officer, issue a summons requiring the debtor to appear at the time and place specified in the summons for the hearing on a referral under this section of the debtor's case; and the summons must direct the debtor to appear—

- (a) if the responsible court is the Crown Court, before that Court;
- (b) if the responsible court is a magistrates' court, before a court of summary jurisdiction.

(11) A person commits an offence if, having been notified under subsection (8) that the collection officer has decided to make a referral and request under subsection (6), the person conceals or disposes of the vehicle in question or attempts to do so.

(12) In subsection (3), "earnings" has such meaning as may be specified in regulations.