

SCHEDULES

SCHEDULE 3

Section 26.

TRANSFER OF FINES

PART I

The Summary Jurisdiction (Scotland) Act 1954
(2 & 3 Eliz. 2. c. 48)

For section 44 there shall be substituted the following section:—

“44 Transfer of fine orders.

- (1) Where a court of summary jurisdiction has imposed a fine on a person convicted of an offence and it appears to the court that he is residing—
 - (a) within the jurisdiction of another court of summary jurisdiction in Scotland, or
 - (b) in any petty sessions area in England and Wales,the court, if no term of imprisonment has been fixed by the court in default of payment of the fine, may order that payment of the fine shall be enforceable by that other court of summary jurisdiction or in that petty sessions area, as the case may be.
- (2) An order under this section (in this section referred to as a transfer of fine order) shall specify the court by which or the petty sessions area in which payment is to be enforceable and, where the court to be specified in a transfer of fine order is a court of summary jurisdiction, it shall, in any case where the fine was imposed by the sheriff court, be a sheriff court.
- (3) Where a transfer of fine order is made with respect to any fine under this section, any functions under any enactment relating to that sum which, if no such order had been made, would have been exercisable by the court imposing the fine or by the clerk of that court shall cease to be so exercisable.
- (4) Where a 'transfer of fine order within the meaning of this section or of section 72A of the Magistrates' Courts Act 1952, as amended by the Criminal Justice (Scotland) Act 1963, specifies a court of summary jurisdiction in Scotland, that court and the clerk of that court shall have all the like functions under this Part of this Act in respect of the fine or the sum in respect of which that order was made (including the power to make any further order under this section) as if the fine or the sum were a fine imposed by that court and as if any order made under this section or the said Act of 1952 in respect of the fine or the sum before the making of the transfer of fine order had been made by that court:

Provided that for the purpose of determining the period of imprisonment which may be imposed under this Act by any court having jurisdiction in respect of a sum adjudged to be paid by a conviction of a magistrates' court acting for a petty sessions area, section 49

Status: This is the original version (as it was originally enacted).

of this Act shall have effect as if for the Table set out in subsection (1) of that section there were substituted the Table set out in paragraph 1 of Schedule 3 to the said Act of 1952 or that Table as modified by paragraph 3 of that Schedule, as the case may be.”

PART II

The Magistrates' Courts Act, 1952

(15 & 16 Geo. 6. & 1 Eliz. 2. c. 55)

After section 72 there shall be inserted the following sections:

“72A Transfer of fine orders, Scotland.

- (1) Where a magistrates' court has by a conviction adjudged a person to pay a sum and it appears to the court that the offender is residing in Scotland, the court may, unless a term of imprisonment has been fixed in the event of a future default in paying the sum in question, by order direct that payment of that sum shall be enforceable by a court of summary jurisdiction in Scotland, being a court within whose jurisdiction it appears as aforesaid that the offender is residing.
- (2) Any order under this section shall specify the court of summary jurisdiction by which payment of the sum in question is to be enforceable, and if that sum is twenty pounds or more, the court to be so specified shall be the sheriff court.
- (3) Where an order is made under this section with respect to any sum, any functions under this Part of this Act relating to that sum which, if no such order had been made, would have been exercisable by the convicting court, or the clerk of that court, shall cease to be so exercisable.

72B Transfer of fine orders from Scotland.

- (1) Where a transfer of fine order within the meaning of section 44 of the Summary Jurisdiction (Scotland) Act 1954 orders that payment of a fine shall be enforceable in a specified petty sessions area in England and Wales, a magistrates' court acting for that area, and the clerk of that court, shall, subject to the provisions of this section, have all like functions under this Part of this Act in respect of the fine (including power to make a transfer of fine order under section 72 or section 72A of this Act) as if the fine were a sum adjudged to be paid by a conviction of that court and as if any order made under the said Act of 1954 in respect of the fine before the making of the transfer of fine order had been made by that court.
- (2) For the purpose of determining the period of imprisonment which may be imposed under this Act by any court having jurisdiction by virtue of such a transfer of fine order as aforesaid in default of payment of the fine to which the order relates (including any court having such jurisdiction by virtue of an order made in respect of that fine under section 72 of this Act), Schedule 3 to this Act shall have effect as if for the Table set out in paragraph 1 there were substituted the Table set out in section 49(1) of the said Act of 1954 and as if paragraph 3 of that Schedule were omitted.”