



Powers of Criminal Courts Act 1973

1973 CHAPTER 62

PART I

POWERS OF COURTS TO DEAL WITH OFFENDERS

Crown Court fines, etc.

30 General power of Crown Court to fine offender convicted on indictment

- (1) Where a person is convicted on indictment of any offence other than an offence for which the sentence is fixed by law, the court, if not precluded from sentencing the offender by its exercise of some other power (such as the power to make a probation order), may impose a fine in lieu of or in addition to dealing with him in any other way in which the court has power to deal with him, subject however to any enactment limiting the amount of the fine that may be imposed or requiring the offender to be dealt with in a particular way.
- (2) A person convicted on indictment of an attempt to commit an offence for which a maximum fine is provided by any enactment shall not be sentenced to a fine larger than that to which he could be sentenced for the completed offence.

31 Powers, etc., of Crown Court in relation to fines and forfeited recognizances

- (1) Subject to the provisions of this section, if the Crown Court imposes a fine on any person or forfeits his recognizance, the court may make an order—
 - (a) allowing time for the payment of the amount of the fine or the amount due under the recognizance;
 - (b) directing payment of that amount by instalments of such amounts and on such dates respectively as may be specified in the order ;
 - (c) in the case of a recognizance, discharging the recognizance or reducing the amount due thereunder.
- (2) Subject to the provisions of this section, if the Crown Court imposes a fine on any person or forfeits his recognizance, the court shall make an order fixing a term of

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imprisonment which that person is to undergo if any sum which he is liable to pay is not duly paid or recovered.

- (3) A term of imprisonment fixed under subsection (2) above shall not exceed 12 months, and no person shall on the occasion when a fine is imposed on him or his recognizance is forfeited by the Crown Court be committed to prison in pursuance of an order under that subsection unless—
- (a) in the case of an offence punishable with imprisonment, he appears to the court to have sufficient means to pay the sum forthwith;
 - (b) it appears to the court that he 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; or
 - (c) on the occasion when the order is made the court sentences him to immediate imprisonment or detention in a detention centre for that or another offence, or sentences him as aforesaid for an offence in addition to forfeiting his recognizance, or he is already serving a term of imprisonment or detention in a detention centre.
- (4) Where any person liable for the payment of a fine or a sum due under a recognizance to which this section applies is sentenced by the court to, or is serving or otherwise liable to serve, a term of imprisonment, the court may order that any term of imprisonment fixed under subsection (2) above shall not begin to run until after the end of the first-mentioned term of imprisonment.
- (5) The power conferred by this section to discharge a recognizance or reduce the amount due thereunder shall be in addition to the powers conferred by any other Act relating to the discharge, cancellation, mitigation or reduction of recognizances or sums forfeited thereunder.
- (6) Subject to subsection (7) below, the powers conferred by this section shall not be taken as restricted by any enactment about committal by a magistrates' court to the Crown Court which authorises the Crown Court to deal with an offender in any way in which the magistrates' court might have dealt with him.
- (7) Any term fixed under subsection (2) above as respects a fine imposed in pursuance of such an enactment, that is to say a fine which the magistrates' court could have imposed, shall not exceed the period applicable to that fine (if imposed by the magistrates' court) under Schedule 3 to the Magistrates' Courts Act 1952 or section 285 of the Customs and Excise Act 1952.
- (8) This section shall not apply to a fine imposed by the Crown Court on appeal against a decision of a magistrates' court, but subsections (2) and (3) above shall apply in relation to a fine imposed or recognizance forfeited by the criminal division of the Court of Appeal, or by the House of Lords on appeal from that division, as they apply in relation to a fine imposed or recognizance forfeited by the Crown Court, and references in those subsections to the Crown Court shall be construed accordingly.

32 Enforcement, etc., of fines imposed and recognizances forfeited by Crown Court

- (1) Subject to the provisions of subsection (4) below, a fine imposed or a recognizance forfeited by the Crown Court after 31st December 1967 shall be treated for the purposes of collection, enforcement and remission of the fine or other sum as having been imposed or forfeited—
- (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 committed to the Crown Court to be tried or dealt with;
and in the case of a fine as having been so imposed on conviction by the magistrates' court in question.
- (2) The term of imprisonment specified in any warrant of commitment issued by a magistrates' court on a default in the payment of a fine imposed, or sum due under a recognizance forfeited, by the Crown Court as the term which the offender is liable to serve shall be the term fixed by the latter court under section 31(2) of this Act or, if that term has been reduced under section 67(2) of the Magistrates' Courts Act 1952 (part payment) or section 44(10) of the Criminal Justice Act 1967 (remission) that term as so reduced, notwithstanding that that term exceeds the period applicable to the case under Schedule 3 to the Magistrates' Courts Act 1952 or section 285 of the Customs and Excise Act 1952 (maximum periods of imprisonment in default of payment of fines, etc.).
- (3) The preceding provisions of this section shall apply in relation to a fine imposed or recognizance forfeited by the criminal division of the Court of Appeal, or by the House of Lords on appeal from that division, as they apply in relation to a fine imposed or recognizance forfeited by the Crown Court, and references in those provisions to the Crown Court shall be construed accordingly.
- (4) A magistrates' court shall not under section 44(10) of the Criminal Justice Act 1967 or section 96 of the Magistrates' Courts Act 1952, as applied by subsection (1) above, remit the whole or any part of a fine imposed or a sum due under a recognizance forfeited by the Crown Court without the consent of that court, and section 44(10) shall have effect accordingly.
- (5) A fine imposed or a recognizance forfeited by the criminal division of the Court of Appeal on appeal from the Crown Court or by the House of Lords on appeal from that division shall be treated for the purposes of collection, enforcement and remission of the fine or other sum as having been imposed or forfeited by the Crown Court.
- (6) Any fine or other sum the payment of which is enforceable by a magistrates' court by virtue of this section shall be treated for the purposes of the Justices of the Peace Act 1949 and, in particular, section 27 thereof (application of fines imposed by magistrates' courts) as having been imposed by a magistrates' court, or as being due under a recognizance forfeited by such a court.

33 Transfer to Scotland of fines imposed and recognizances forfeited by Crown Court

The power of a magistrates' court to make a transfer of fine order under section 72A of the Magistrates' Courts Act 1952 (transfer of fine orders to Scotland) shall be exercisable in relation to a fine imposed on any person or a sum due from any person under a recognizance forfeited by the Crown Court the payment of which is enforceable by the magistrates' court, notwithstanding that the Crown Court has in pursuance of section 31(2) of this Act fixed a term of imprisonment which that person is to undergo if the fine or other sum is not duly paid or recovered.

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34 Power of Crown Court to allow time for payment, or payment by instalments, of costs and compensation

Where the Crown Court makes any such order as is mentioned in Part I of Schedule 9 to the Administration of Justice Act 1970 (orders against accused for the payment of costs or compensation), the court may—

- (a) allow time for the payment of the sum due under the order;
- (b) direct payment of that sum by instalments of such amounts and on such dates respectively as the court may specify.