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SCHEDULES

SCHEDULE 7

TRANSFER OF FINE ORDERS

England and Wales

- 1 For sections 72A and 72B of the Magistrates' Courts Act 1952 there shall be substituted:—

“72A Transfer of fines to Scotland or Northern Ireland.

- (1) Where a magistrates' court has, or is treated by any enactment as having, adjudged a person by a conviction to pay a sum, and it appears to the court that he is residing—
- (a) within the jurisdiction of a court of summary jurisdiction in Scotland, or
 - (b) in any petty sessions district in Northern Ireland,
- the court may order that payment of the sum shall be enforceable by that court of summary jurisdiction or, as the case may be, in that petty sessions district.
- (2) An order under this section shall specify the court of summary jurisdiction by which or petty sessions district in which payment of the sum in question is to be enforceable ; and if—
- (a) that sum is more than £100 or is a fine originally imposed by the Crown Court or the sheriff court, and
 - (b) payment is to be enforceable in Scotland,
- 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 court which made the order or by the clerk of that court shall cease to be so exercisable.

72B Transfer of fines from Scotland or Northern Ireland.

- (1) Where a transfer of fine order under section 403 of the Criminal Procedure (Scotland) Act 1975 or section 104A of the Magistrates' Courts Act (Northern Ireland) 1964 provides that payment of a sum 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 the like functions under this Part of this Act in respect of the sum (including power to make an order under section 72 or section 72A of this Act) as if the sum were a sum adjudged to be paid by a conviction of that court and as if any order made under the said Act of 1975

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or, as the case may be, 1964 in respect of the sum 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 in default of payment of a fine originally imposed by a court in Scotland, 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 407(1) of the Criminal Procedure (Scotland) Act 1975.
- (3) Where a transfer of fine order under section 403 of the Criminal Procedure (Scotland) Act 1975 or section 104A of the Magistrates' Courts Act (Northern Ireland) 1964 provides for the enforcement in a petty sessions area in England and Wales of a fine originally imposed by the Crown Court, a magistrates' court acting for that area shall have all the like functions under this Part of this Act, exercisable subject to the like restrictions, as if it were the magistrates' court by which payment of the fine fell to be enforced by virtue of section 32(1) of the Powers of Criminal Courts Act 1973, and as if any order made under the said Act of 1975 or, as the case may be, 1964 in respect of the fine before the making of the transfer of fine order had been made by that court.”.