



# Criminal Justice Act 1991

## 1991 CHAPTER 53

### PART I

#### POWERS OF COURTS TO DEAL WITH OFFENDERS

##### *Financial penalties*

#### **18 Fixing of certain fines by reference to units**

- (1) This section applies where a magistrates' court imposes a fine on an individual—
  - (a) for a summary offence which is punishable by a fine not exceeding a level on the standard scale; or
  - (b) for a statutory maximum offence, that is to say, an offence which is triable either way and which, on summary conviction, is punishable by a fine not exceeding the statutory maximum.
- (2) Subject to the following provisions of this section, the amount of the fine shall be the product of—
  - (a) the number of units which is determined by the court to be commensurate with the seriousness of the offence, or the combination of the offence and other offences associated with it; and
  - (b) the value to be given to each of those units, that is to say, the amount which, at the same or any later time, is determined by the court in accordance with rules made by the Lord Chancellor to be the offender's disposable weekly income.
- (3) In making any such determination as is mentioned in subsection (2)(a) above, a court shall take into account all such information about the circumstances of the offence (including any aggravating or mitigating factors) as is available to it.
- (4) The number of units determined under subsection (2)(a) above shall not exceed—
  - (a) 2 units in the case of a level 1 offence;
  - (b) 5 units in the case of a level 2 offence;
  - (c) 10 units in the case of a level 3 offence;

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*Status: This is the original version (as it was originally enacted).*

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- (d) 25 units in the case of a level 4 offence; and
  - (e) 50 units in the case of a level 5 offence or a statutory maximum offence;
- and in this subsection “level 1 offence” means a summary offence which is punishable by a fine not exceeding level 1 on the standard scale, and corresponding expressions shall be construed accordingly.
- (5) Subject to subsection (6) below, the amount determined under subsection (2)(b) above in the case of any offender shall not be—
- (a) less than 1/50th of level 1 on the standard scale (£4 at the commencement of section 17 above); or
  - (b) more than 1/50th of level 5 on that scale (£100 at that commencement).
- (6) Where the fine is payable by a person who is under the age of 18 years, subsection (5) above shall have effect as if for any reference to a fraction or amount there were substituted—
- (a) a reference to 1/20th of that fraction or amount in the case of a fine payable by a person who is under the age of 14 years; and
  - (b) a reference to 1/5th of that fraction or amount in the case of a fine payable by a person who has attained that age.
- (7) Nothing in subsection (2) above shall prevent any of the following, namely—
- (a) in the case of an offence in relation to which a compensation order is made, the reduction of the amount of the fine in pursuance of section 35(4A) of the 1973 Act;
  - (b) in the case of a fixed penalty offence (within the meaning of Part III of the Road Traffic Offenders Act 1988), the increase of the amount of the fine to the level of the fixed penalty; and
  - (c) in the case of an offence of installing or using any apparatus for wireless telegraphy except under a licence granted under section 1 of the Wireless Telegraphy Act 1949, the increase of the amount of the fine by an amount not exceeding the sum which would have been payable on the issue of such a licence.
- (8) Where the offender—
- (a) has been convicted in his absence in pursuance of section 11 or 12 of the 1980 Act (non-appearance of accused); or
  - (b) has failed to comply with an order under section 20(1) below,
- and (in either case) the court has insufficient information to make a proper determination under subsection (2)(b) above, it may, within the limits set by subsection (5) above, make such determination as it thinks fit.
- (9) In section 41 of the Criminal Justice Act 1988 (“the 1988 Act”), subsection (7) (Crown Court sentencing powers in relation to summary offence dealt with together with either way offence) shall have effect as if this section had not been enacted.