



Criminal Justice Act 1991

1991 CHAPTER 53

PART I

POWERS OF COURTS TO DEAL WITH OFFENDERS

Financial penalties: supplemental

24 Recovery of fines etc. by deductions from [^{F1}universal credit and] income support.

- (1) The Secretary of State may by regulations provide that where a fine has been imposed on an offender by a magistrates' court, or a sum is required to be paid by a compensation order [^{F2}, an unlawful profit order or a slavery and trafficking reparation order] which has been made against an offender by such a court, and (in either case) the offender is entitled to [^{F3}universal credit,] income support [^{F4}, a jobseeker's allowance [^{F5}, state pension credit or an ^{F6}... employment and support allowance]]
- (a) the court may apply to the Secretary of State asking him to deduct sums from any amounts payable to the offender by way of [^{F7}that benefit], in order to secure the payment of any sum which is or forms part of the fine [^{F8}, compensation or unlawful profit]; and
 - (b) the Secretary of State may deduct sums from any such amounts and pay them to the court towards satisfaction of any such sum.
- (2) The regulations may include—
- (a) provision that, before making an application, the court shall make an enquiry as to the offender's means;
 - [^{F9}(aa) provision that the court may require the offender to provide prescribed information in connection with an application;]
 - (b) provision allowing or requiring adjudication as regards an application, and provision as to [^{F10}appeals to appeal tribunals constituted under Chapter I of Part I of the Social Security Act 1998 and decisions under section 9 or 10 of that Act];

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- (c) provision as to the circumstances and manner in which and the times at which sums are to be deducted and paid;
- (d) provision as to the calculation of such sums (which may include provision to secure that amounts payable to the offender by way of [F11 universal credit,] income support [F12, a jobseeker’s allowance [F13, state pension credit or an F14 ... employment and support allowance]] do not fall below prescribed figures);
- (e) provision as to the circumstances in which the Secretary of State is to cease making deductions;
- (f) provision requiring the Secretary of State to notify the offender, in a prescribed manner and at any prescribed time, of the total amount of sums deducted up to the time of notification; and
- (g) provision that, where the whole amount to which the application relates has been paid, the court shall give notice of that fact to the Secretary of State.

[F15(2A) An offender who fails to provide information required by the court by virtue of subsection (2)(aa) commits an offence.

(2B) An offender commits an offence if, in providing information required by the court by virtue of that subsection, he—

- (a) makes a statement which he knows to be false in a material particular,
- (b) recklessly provides a statement which is false in a material particular, or
- (c) knowingly fails to disclose any material fact.

(2C) A person guilty of an offence under subsection (2A) or (2B) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.]

(3) In subsection (1) above—

- (a) the reference to a fine having been imposed by a magistrates’ court includes a reference to a fine being treated, by virtue of [F16 section 140 of the Powers of Criminal Courts (Sentencing) Act 2000], as having been so imposed; and
- (b) the reference to a sum being required to be paid by a compensation order [F17, an unlawful profit order or a slavery and trafficking reparation order] which has been made by a magistrates’ court includes a reference to a sum which is required to be paid by such an order being treated, by virtue of section 41 of the M1 Administration of Justice Act 1970, as having been adjudged to be paid on conviction by such a court.

[F18(c) the reference in paragraph (a) to “the court” includes a reference to a court to which the function in that paragraph has been transferred by virtue of a transfer of fine order under section 89(1) or (3) or 90(1)(a) of the 1980 Act (power of magistrates’ court to make transfer of fine order) or under section [F19 section 222(1)(a) or (b) of the Criminal Procedure (Scotland) Act 1995] (analogous provision as respects Scotland) and a reference to a court to which that function has been remitted by virtue of section 196(2) of the said Act of 1975 (enforcement of fine imposed by High Court of Justiciary).]

[F20(3A) This section applies in relation to a surcharge imposed under section 161A of the Criminal Justice Act 2003 [F21 or section 253F of the Criminal Procedure (Scotland) Act 1995] as if any reference in subsection (1) or (3) above to a fine included a reference to a surcharge.]

(4) In this section—

“fine” includes—

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(a) a penalty imposed under [^{F22}section 29 or 37 of the Vehicle Excise and Registration Act 1994] or section 102(3)(aa) of the ^{M2}Customs and Excise Management Act 1979 (penalties imposed for certain offences in relation to vehicle excise licences);

(b) an amount ordered to be paid, in addition to any penalty so imposed, under [^{F22}section 30, 36 or 38 of the Vehicle Excise and Registration Act 1994] (liability to additional duty);

[^{F23}(ba) a charge ordered to be paid under section 21A of the Prosecution of Offences Act 1985 (criminal courts charge);]

(c) an amount ordered to be paid by way of costs which is, by virtue of section 41 of the ^{M3}Administration of Justice Act 1970, treated as having been adjudged to be paid on a conviction by a magistrates' court;

^{F24}
...

“income support” means income support within the meaning of the ^{M4}Social Security Act 1986, either alone or together with any ^{F25}... [^{F26}incapacity] benefit, [^{F27}or retirement pension] which is paid by means of the same instrument of payment;

“prescribed” means prescribed by regulations made by the Secretary of State.

[^{F28}“slavery and trafficking reparation order” means an order under section 8 of the Modern Slavery Act 2015;]

[^{F29}“unlawful profit order” means an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013.]

(5) In the application of this section to Scotland—

(a) references in subsections (1) and (2) above to a magistrates' court shall be construed as references to a court; and

(b) in subsection (3) above, for paragraphs (a) and (b) there shall be substituted the following paragraphs—

“(a) the reference to a fine having been imposed by a court includes a reference to a fine being treated, by virtue of [^{F30}section 211(4) of the Criminal Procedure (Scotland) Act 1995], as having been so imposed; and

(b) the reference to a compensation order having been made by a court includes a reference to such an order being treated, by virtue of [^{F31}section 252 of the Criminal Procedure (Scotland) Act 1995], as having been so made.”

Textual Amendments

- F1** Words in s. 24 heading inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **8(a)**
- F2** Words in s. 24(1) substituted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), **Sch. 5 para. 12(2)**; S.I. 2015/1476, reg. 2(j)
- F3** Words in s. 24(1) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **8(b)**
- F4** Words in s. 24(1) substituted (2.7.2002 for specified purposes and otherwise 6.10.2003) by [State Pension Credit Act 2002 \(c. 16\)](#), ss. 14, 22(2)(3), **Sch. 2 para. 31(a)**; S.I. 2002/1691, **art. 2**; S.I. 2003/1766, **art. 2**
- F5** Words in s. 24(1) substituted (18.3.2008 for certain purposes and 27.10.2008 otherwise) by [Welfare Reform Act 2007 \(c. 5\)](#), ss. 28, 70, **Sch. 3 para. 8(a)**; S.I. 2008/787, **art. 2(1)(4)**, Sch.

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- F6** Words in s. 24(1) repealed (with effect from 27.10.2008 in accordance with s. 109(3) of the amending Act) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 109(1)(a)**, 150(1)(d)
- F7** Words in s. 24(1)(a) substituted (11.6.1996) by 1995 c. 18, s. 41(4), **Sch. 2 para. 21**; S.I. 1996/1509, **art. 2, Sch.**
- F8** Words in s. 24(1)(b) substituted (15.10.2013 for E., 5.11.2013 for W.) by [Prevention of Social Housing Fraud Act 2013 \(c. 3\)](#), s. 12, **Sch. para. 5(2)(b)**; S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2
- F9** S. 24(2)(aa) inserted (E.W.) (5.4.2004) by [Courts Act 2003 \(c. 39\)](#), **ss. 96(1)(2)**, 110; S.I. 2004/174, **art. 3**
- F10** Words in s. 24(2)(b) substituted (18.10.1998 for specified provisions, 29.11.1999 for further specified provisions, otherwise prosp.) by 1998 c. 14, s. 86(1), **Sch.7 para. 55**; S.I. 1999/2860, art. 2, **Sch. 1** (with **art. 5** and subject to transitional provisions in **Schs. 16-18**); S.I. 1999/3178, art. 2, **Sch. 1** (subject to transitional provisions in **Schs. 21-23**)
- F11** Words in s. 24(2)(d) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **8(b)**
- F12** Words in s. 24(2)(d) substituted (2.7.2002 for specified purposes and otherwise 6.10.2003) by [State Pension Credit Act 2002 \(c. 16\)](#), ss. 14, 22(2)(3), **Sch. 2 para. 31(b)**; S.I. 2002/1691, **art. 2**; S.I. 2003/1766, **art. 2**
- F13** Words in s. 24(2)(d) substituted (18.3.2008 for certain purposes and 27.10.2008 otherwise) by [Welfare Reform Act 2007 \(c. 5\)](#), ss. 28, 70, **Sch. 3 para. 8(a)**; S.I. 2008/787, **art. 2(1)(4)**, **Sch.**
- F14** Words in s. 24(2)(d) repealed (with effect from 27.10.2008 in accordance with s. 109(3) of the amending Act) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 109(1)(a)**, 150(1)(d)
- F15** S. 24(2A)-(2C) inserted (E.W.) (5.4.2004) by [Courts Act 2003 \(c. 39\)](#), **ss. 96(3)**, 110; S.I. 2004/174, **art. 3**
- F16** Words in s. 24(3) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 136**
- F17** Words in s. 24(3)(b) substituted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), **Sch. 5 para. 12(3)**; S.I. 2015/1476, reg. 2(j)
- F18** S. 24(3)(c) inserted (3.2.1995) by 1994 c. 33, s. 47(3); S.I. 1995/127, art. 2(1), **Sch. 1**
- F19** Words in s. 24(3)(c) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 80(2)(c)**
- F20** S. 24(3A) inserted (1.4.2007) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 58(1), 60; Sch. 10 para. 30; S.I. 2007/602, **art. 2(b)(c)**
- F21** Words in s. 24(3A) inserted (9.7.2019) by [The Victims and Witnesses \(Scotland\) Act 2014 \(Consequential Modification\) Order 2019 \(S.I. 2019/1092\)](#), arts. 1, 2
- F22** Words in s. 24(4) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 30** (with s. 57(4))
- F23** S. 24(4): para. (ba) inserted in definition of "fine" (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 12 para. 7**; S.I. 2015/778, art. 3, **Sch. 1 para. 78**
- F24** S. 24(4): definition of "income-related employment and support allowance" repealed (with effect from 27.10.2008 in accordance with s. 109(3) of the amending Act) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 109(1)(b)**, 150(1)(d)
- F25** Words in s. 24(4) repealed (7.10.1996) by 1995 c. 18, s. 41(5), **Sch. 3**; S.I. 1996/2208, **art. 2**
- F26** Word in s. 24(4) substituted (13.4.1995) by 1994 c. 18, s. 11(1), **Sch. 1 Pt. II para. 55**; S.I. 1994/2926, **art. 2, Sch. Pt. IV**
- F27** Words in definition of "income support" in s. 24(4) substituted (6.4.2001) by 1999 c. 30, s. 70, **Sch. 8 Pt. III para. 27**; S.I. 2000/2958, **art. 2(6)(b)** (subject to arts. 3, 4)
- F28** S. 24(4): definition of "slavery and trafficking reparation order" inserted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), **Sch. 5 para. 12(4)**; S.I. 2015/1476, reg. 2(j)
- F29** S. 24(4): definition of "unlawful profit order" inserted (15.10.2013 for E., 5.11.2013 for W.) by [Prevention of Social Housing Fraud Act 2013 \(c. 3\)](#), s. 12, **Sch. para. 5(4)**; S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2
- F30** S. 24(5)(a): words in subsection (3)(a) as it applies to Scotland substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 80(2)(a)**
- F31** S. 24(5)(b): words in subsection (3)(b) as it applies to Scotland substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 80(2)(b)**

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Commencement Information

I1 S. 24 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

M1 1970 c. 31.

M2 1979 c. 2.

M3 1970 c. 31.

M4 1986 c. 50.

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