



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART VI

#### FINANCIAL PENALTIES AND ORDERS

##### *Fines: general*

#### **128 Fixing of fines.**

- (1) Before fixing the amount of any fine to be imposed on an offender who is an individual, a court shall inquire into his financial circumstances.
- (2) The amount of any fine fixed by a court shall be such as, in the opinion of the court, reflects the seriousness of the offence.
- (3) In fixing the amount of any fine to be imposed on an offender (whether an individual or other person), a court shall take into account the circumstances of the case including, among other things, the financial circumstances of the offender so far as they are known, or appear, to the court.
- (4) Subsection (3) above applies whether taking into account the financial circumstances of the offender has the effect of increasing or reducing the amount of the fine.
- (5) Where—
  - (a) an offender has been convicted in his absence in pursuance of section 11 or 12 of the <sup>M1</sup>Magistrates' Courts Act 1980 (non-appearance of accused), or
  - (b) an offender—
    - [<sup>F1</sup>(zi) has failed to furnish a statement of his financial circumstances in response to a request which is an official request for the purposes of section 20A of the Criminal Justice Act 1991 (offence of making false statements as to financial circumstances),]
    - (i) has failed to comply with an order under section 126(1) above, or

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*Status: Point in time view as at 02/09/2004. This version of this provision has been superseded.*

**Changes to legislation:** *Powers of Criminal Courts (Sentencing) Act 2000, Section 128 is up to date with all changes known to be in force on or before 21 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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(ii) has otherwise failed to co-operate with the court in its inquiry into his financial circumstances,

and the court considers that it has insufficient information to make a proper determination of the financial circumstances of the offender, it may make such determination as it thinks fit.

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**Textual Amendments**

**F1** S. 128(5)(b)(zi) inserted (5.4.2004) by Courts Act 2003 (c. 39), ss. 95(4), 110(1); S.I. 2004/174, art. 3

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**Marginal Citations**

**M1** 1980 c. 43.

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