



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART VI

FINANCIAL PENALTIES AND ORDERS

Miscellaneous powers and duties of Crown Court in relation to fines etc.

140 Enforcement of fines imposed and recognizances forfeited by Crown Court

- (1) Subject to subsection (5) below, a fine imposed or a recognizance forfeited by the Crown Court 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
 - (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 or by which he was sent to the Crown Court for trial under section 51 of the Crime and Disorder Act 1998,
and, in the case of a fine, as having been so imposed on conviction by the magistrates' court in question.
- (2) Subsection (3) below applies where a magistrates' court issues a warrant of commitment on a default in the payment of—
 - (a) a fine imposed by the Crown Court; or
 - (b) a sum due under a recognizance forfeited by the Crown Court.
- (3) In such a case, the term of imprisonment or detention under section 108 above specified in the warrant of commitment as the term which the offender is liable to serve shall be—
 - (a) the term fixed by the Crown Court under section 139(2) above, or

Status: This is the original version (as it was originally enacted).

- (b) if that term has been reduced under section 79(2) of the Magistrates' Courts Act 1980 (part payment) or section 85(2) of that Act (remission), that term as so reduced,
notwithstanding that that term exceeds the period applicable to the case under section 149(1) of the Customs and Excise Management Act 1979 (maximum periods of imprisonment in default of payment of certain fines).
- (4) Subsections (1) to (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 (except the references in subsection (1)(b)) shall be construed accordingly.
- (5) A magistrates' court shall not, under section 85(1) or 120 of the Magistrates' Courts Act 1980 as applied by subsection (1) above, remit the whole or any part of a fine imposed by, or sum due under a recognizance forfeited by—
- (a) the Crown Court,
 - (b) the criminal division of the Court of Appeal, or
 - (c) the House of Lords on appeal from that division,
- without the consent of 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 1997 and, in particular, section 60 of that Act (application of fines and fees) as having been imposed by a magistrates' court, or as being due under a recognizance forfeited by such a court.