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## SCHEDULES

### SCHEDULE 5

Section 97(1)

#### COLLECTION OF FINES <sup>[F1]</sup> AND OTHER SUMS IMPOSED ON CONVICTION]

##### Textual Amendments

- F1** Sch. 5: words in heading inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, 5 (with transitional provision in art. 3)

##### Modifications etc. (not altering text)

- C1** Sch. 5 applied (with modifications) (temp. from 23.3.2004 for certain purposes, 29.3.2004 for certain further purposes, 5.4.2004 for all purposes to 31.3.2006) by [S.I. 2004/175](#), arts. 1-3, Sch. (as amended by [S.I. 2004/1406](#), arts. 3, 4; [S.I. 2005/487](#), arts. 4-6; [S.I. 2005/642](#), art. 2; [S.I. 2005/2410](#), art. 2; [S.I. 2005/3166](#), art. 2)
- C2** Sch. 5 modified (temp. from 27.3.2006 to 2.7.2006) by [The Collection of Fines \(Pilot Scheme\) and Discharge of Fines by Unpaid Work \(Pilot Schemes\) \(Amendment\) Order 2006 \(S.I. 2006/502\)](#), arts. 1(1)(b)(2), 5 (with transitional provision in art. 4)
- C3** Sch. 5 restricted (prosp.) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 56-58, 173(4)
- C4** Sch. 5 applied (1.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 85(7)(b), 153; [S.I. 2009/2606](#), art. 2(f)

### PART 1

#### INTRODUCTORY

#### <sup>[F2]</sup>Application of Schedule]

##### Textual Amendments

- F2** Sch. 5 para. 1 and heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, 6 (with transitional provision in art. 3)

<sup>[F3]</sup> <sup>[F4]</sup>(1) This Schedule<sup>[F5]</sup>, apart from Part 3B,] applies if a person aged 18 or over (“P”) is liable to pay a sum which is or is treated for the purposes of Part 3 of the 1980 Act as a sum adjudged to be paid by a conviction of a magistrates' court.]

<sup>[F6]</sup>(2) Part 3B applies in a case where Chapter 1 of Part 1 of the Justice Act (Northern Ireland) 2016 (collection of fines etc.) applies.]

##### Textual Amendments

- F3** Sch. 5 para. 1 and heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, 6 (with transitional provision in art. 3)

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- F4** Sch. 5 para. 1 renumbered as Sch. 5 para. 1(1) (N.I.) (coming into force in accordance with art. 1(2) of the amending S.I.) by [The Collection of Fines etc. \(Northern Ireland Consequential Amendments\) Order 2017 \(S.I. 2017/570\)](#), arts. 1(2), **2(1)** and renumbered as Sch. 5 para. 1(1) (E.W.) (7.11.2023) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(4), **Sch. 2 para. 3(2)(a)**; S.I. 2023/1194, **reg. 2(e)**
- F5** Words in Sch. 5 para. 1(1) inserted (N.I.) (coming into force in accordance with art. 1(2) of the amending S.I.) by [The Collection of Fines etc. \(Northern Ireland Consequential Amendments\) Order 2017 \(S.I. 2017/570\)](#), arts. 1(2), **2(1)(a)**
- F6** Sch. 5 para. 1(2) inserted (N.I.) (coming into force in accordance with art. 1(2) of the amending S.I.) by [The Collection of Fines etc. \(Northern Ireland Consequential Amendments\) Order 2017 \(S.I. 2017/570\)](#), arts. 1(2), **2(1)(b)**

[<sup>F7</sup>Meaning of “the sum due” etc]

#### Textual Amendments

- F7** Sch. 5 para. 2 and heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, 7

[<sup>F8</sup>2 (1) In this Schedule “the sum due” means the sum adjudged to be paid as mentioned in paragraph 1.

(2) For the purposes of this Schedule—

a “fine” does not include any pecuniary forfeiture or pecuniary compensation payable on conviction; and

“a sum required to be paid by a compensation order” means any sum required to be paid by an order made under section 130(1) of the Powers of Criminal Courts (Sentencing) Act 2000 [<sup>F9</sup> or Chapter 2 of Part 7 of the Sentencing Code][<sup>F10</sup>, <sup>F11</sup> ...

“a sum required to be paid by an unlawful profit order” means any sum required to be paid by an order made under section 4 of the Prevention of Social Housing Fraud Act 2013]

[<sup>F12</sup>“a sum required to be paid by a slavery and trafficking reparation order” means any sum required to be paid by an order made under section 8 of the Modern Slavery Act 2015].]

#### Textual Amendments

- F8** Sch. 5 para. 2 and heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, 7
- F9** Words in Sch. 5 para. 2(2) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 203** (with [Sch. 27](#)); S.I. 2020/1236, **reg. 2**
- F10** Words in Sch. 5 para. 2(2) 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. 25**; S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2
- F11** Words in Sch. 5 para. 2(2) omitted (31.7.2015) by virtue of [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), **Sch. 5 para. 23(2)(a)**; S.I. 2015/1476, **reg. 2(j)**
- F12** Words in Sch. 5 para. 2(2) inserted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), **Sch. 5 para. 23(2)(b)**; S.I. 2015/1476, **reg. 2(j)**

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*Meaning of “existing defaulter” etc.*

- 3 (1) For the purposes of this Schedule, P is an existing defaulter if it is shown that—
- (a) <sup>F13</sup> .....
  - (b) the sum due or any other sum is registered for enforcement against him as a fine under—
    - (i) section 71 of the Road Traffic Offenders Act 1988,
    - (ii) section 9 of the Criminal Justice and Police Act 2001, or
    - (iii) any other enactment specified in fines collection regulations,
  - (c) he is in default on a collection order in respect of another sum falling within paragraph [<sup>F14</sup>1], or
  - (d) he is in default in payment of another sum falling within paragraph [<sup>F15</sup>1] but in respect of which no collection order has been made.
- (2) For the purposes of this Schedule, P’s existing default can be disregarded only if he shows that there was an adequate reason for it.
- (3) Sub-paragraph (2) is subject to sub-paragraph (4).
- (4) Where a sum is registered for enforcement against P as mentioned in sub-paragraph (1)(b), P’s existing default is not one which can be disregarded for the purposes of the following provisions of this Schedule.
- (5) <sup>F16</sup> .....
- (6) <sup>F17</sup> .....
- (7) “Collection order” means an order made under Part 4 of this Schedule.

**Textual Amendments**

- F13** Sch. 5 para. 3(1)(a) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, **8(a)(i)**
- F14** Words in Sch. 5 para. 3(1)(c) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, **8(a)(ii)**
- F15** Words in Sch. 5 para. 3(1)(d) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, **8(a)(ii)**
- F16** Sch. 5 para. 3(5) omitted (3.7.2007) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **8(b)**
- F17** Sch. 5 para. 3(6) omitted (3.7.2007) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **8(c)**

**Commencement Information**

- II** Sch. 5 para. 3 wholly in force at 5.4.2004; Sch. 5 para. 3 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 3 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 3 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 3 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

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**F18F18 PART 2**

IMMEDIATE PAYMENT OF FINES: DISCOUNTS

**Textual Amendments**

**F18** Sch. 5 Pt. 2 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **9**

*Application of Part*

.....

- 4 This Part applies if the court which is imposing the liability to pay the sum due concludes—
  - (a) that P should be required to pay the sum due immediately, and
  - (b) that he is not an existing defaulter or, if he is, that his existing default (or defaults) can be disregarded.

*Court's duty in relation to discount*

.....

- 5 The court must make an order—
  - (a) stating its conclusions on the matters referred to in paragraph 4(b),
  - (b) stating the amount of the sum due, the amount of the fine and the amount of any other part of the sum due, and
  - (c) informing P of the effect of paragraph 6.

*The discount*

.....

- 6
  - (1) P is allowed a discount on the fine if the sum due, less the amount of the discount, is paid in accordance with the terms of the order.
  - (2) The amount of the discount is to be determined in accordance with fines collection regulations, but must not be greater than 50% of the fine.
  - (3) The discount is given effect by extinguishing P's liability to pay the part of the sum due that is equal to the amount of the discount.

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### PART 3

#### ATTACHMENT OF EARNINGS ORDERS AND APPLICATIONS FOR BENEFIT DEDUCTIONS

##### *Application of Part*

- 7 <sup>F19</sup>(1) This Part does not apply where the court is hearing P's case following an appeal under paragraph 23, 32 or <sup>F20</sup>, 37(9) or 37A(4).]
- (2) In the following provisions of this Part, “the relevant court” means—
- (a) the court which is imposing the liability to pay the sum due, or
  - (b) <sup>F21</sup> . . . the magistrates' court responsible for enforcing payment of the sum due.
- <sup>F22</sup>(3) For the purposes of this Schedule—
- (a) an attachment of earnings order, or
  - (b) an application for benefit deductions,
- is an order or application to secure the payment of the whole of the sum due.]

##### **Textual Amendments**

- F19** Sch. 5 para. 7(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **10(a)**
- F20** Words in Sch. 5 para. 7(1) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), ss. **88(2)**, 151(1); S.I. 2013/453, art. 4(a)
- F21** Words in Sch. 5 para. 7(2)(b) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **10(b)**
- F22** Sch. 5 para. 7(3) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **10(c)**

##### **Commencement Information**

- I5** Sch. 5 para. 7 wholly in force at 5.4.2004; Sch. 5 para. 7 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 7 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. **4(a)**; Sch. 5 para. 7 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. **4(b)**; Sch. 5 para. 7 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. **4(c)**

*<sup>F23</sup> Attachment of earnings order or application for benefit deductions where P is liable to pay compensation*

##### **Textual Amendments**

- F23** [Sch. 5 para. 7A](#) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **11**

- 7A (1) This paragraph applies if the sum due consists of or includes a sum required to be paid by a compensation order<sup>F24</sup>, an unlawful profit order or a slavery and trafficking reparation order].
- (2) The relevant court must make an attachment of earnings order if it appears to the court—

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- (a) that P is in employment, and
  - (b) that it is not impracticable or inappropriate to make the order.
- (3) The relevant court must make an application for benefit deductions if it appears to the court—
- (a) that P is entitled to a relevant benefit, and
  - (b) that it is not impracticable or inappropriate to make the application.
- (4) If it appears to the court that (apart from this sub-paragraph) both sub-paragraph (2) and sub-paragraph (3) would apply, the court must make either an attachment of earnings order or an application for benefit deductions.]

#### Textual Amendments

**F24** Words in Sch. 5 para. 7A(1) substituted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\), s. 61\(1\), Sch. 5 para. 23\(3\)](#); S.I. 2015/1476, reg. 2(j)

#### *Attachment of earnings order or application for benefit deductions without P's consent*

- 8 [F25(1) This paragraph applies if—
- (a) paragraph 7A does not apply, and
  - (b) the relevant court concludes that P is an existing defaulter and that his existing default (or defaults) cannot be disregarded.]
- (2) The court must make an attachment of earnings order if it appears to the court—
- (a) that P is in employment, and
  - (b) that it is not impracticable or inappropriate to make the order.
- (3) The court must make an application for benefit deductions if it appears to the court—
- (a) that P is entitled to a relevant benefit, and
  - (b) that it is not impracticable or inappropriate to make the application.
- (4) If it appears to the court that (apart from this sub-paragraph) both sub-paragraph (2) and sub-paragraph (3) would apply, the court must make either an attachment of earnings order or an application for benefit deductions.

#### Textual Amendments

**F25** Sch. 5 para. 8(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\), arts. 1, 12](#)

#### Commencement Information

**I6** Sch. 5 para. 8 wholly in force at 5.4.2004; Sch. 5 para. 8 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 8 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 8 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 8 in force for all purposes at 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

#### *Attachment of earnings order or application for benefit deductions with P's consent*

- 9 [F26(1) This paragraph applies if—
- (a) paragraph 7A does not apply, and

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- (b) the relevant court concludes that P is not an existing defaulter or, if he is, that his existing default (or defaults) can be disregarded.]
- (2) The court may make—
- (a) an attachment of earnings order, or
- (b) an application for benefit deductions,
- if P consents.

#### Textual Amendments

**F26** Sch. 5 para. 9(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 13

#### Commencement Information

**I7** Sch. 5 para. 9 wholly in force at 5.4.2004; Sch. 5 para. 9 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 9 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. 4(a); Sch. 5 para. 9 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. 4(b); Sch. 5 para. 9 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. 4(c)

### [<sup>F27</sup>PART 3A

#### DISCLOSURE OF INFORMATION, AND MEANING OF "RELEVANT BENEFIT" ETC]

#### Textual Amendments

**F27** Sch. 5 Pt. 3A heading inserted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), ss. 27(3), 61(3); [S.I. 2013/2981](#), art. 2(a)

*[<sup>F28</sup>Disclosure of information in connection with [<sup>F29</sup>making of attachment of earnings order or] application for benefit deductions*

#### Textual Amendments

**F28** Sch. 5 paras. 9A-9C and cross-headings inserted (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 41, 153; [S.I. 2008/2712](#), art. 2, Sch. para. 6 (subject to arts. 3, 4)

**F29** Words in Sch. 5 para. 9A heading inserted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), ss. 27(4), 61(3); [S.I. 2013/2981](#), art. 2(a)

[<sup>F30</sup>9A (1) The Secretary of State or a Northern Ireland department, or a person providing services to the Secretary of State or a Northern Ireland department, may disclose social security information to a relevant person.

(1A) Her Majesty's Revenue and Customs, or a person providing services to the Commissioners for Her Majesty's Revenue and Customs, may disclose finances information to a relevant person.

(1B) The disclosure authorised by sub-paragraph (1) or (1A) is disclosure of the information concerned for the purpose of facilitating the making, by the relevant court or a fines officer, of any of the following—

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- (a) a decision as to whether to make an attachment of earnings order in respect of P,
  - (b) a decision as to whether to make an application for benefit deductions in respect of P, and
  - (c) such an order or application.
- (2) In this paragraph—
- “finances information” means information which—
- (a) is about a person's income, gains or capital, and
  - (b) is held—
    - (i) by Her Majesty's Revenue and Customs, or
    - (ii) by a person providing services to the Commissioners for Her Majesty's Revenue and Customs in connection with the provision of those services,
- or information which is held with information so held;
- “social security information” means information which is held for the purposes of functions relating to social security—
- (a) by the Secretary of State or a Northern Ireland Department, or
  - (b) by a person providing services to the Secretary of State, or a Northern Ireland Department, in connection with the provision of those services,
- or information which is held with information so held.
- (2A) The reference in sub-paragraph (2) to functions relating to social security includes a reference to functions relating to any of the matters listed in section 127(8) of the Welfare Reform Act 2012 (statutory payments and maternity allowances).
- (3) In this paragraph “relevant person” means a person who is appointed by the Lord Chancellor under section 2(1) or provided under a contract made by virtue of section 2(4).]

**Textual Amendments**

**F30** Sch. 5 para. 9A substituted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 27(5)**, 61(3); S.I. 2013/2981, **art. 2(a)**

**Modifications etc. (not altering text)**

**C5** Sch. 5 para. 9A extended to S. and N.I. (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 27(13)**, 61(3); S.I. 2013/2981, **art. 2(a)**

*Restrictions on disclosure*

- 9B (1) A person to whom information is disclosed under paragraph [F31 9A], or this sub-paragraph, may disclose the information to any person to whom its disclosure is necessary or expedient in connection with facilitating the making [F32], by the relevant court or a fines officer, of such a decision, order or application as is mentioned in paragraph 9A(1B).]
- (2) A person to whom such information is disclosed commits an offence if the person—
- (a) discloses or uses the information, and



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- (b) the disclosure is not authorised by sub-paragraph (1) or (as the case may be) the use is not for the purpose of facilitating the making of such a decision [F33, order or application as is mentioned in paragraph 9A(1B)].
- (3) But it is not an offence under sub-paragraph (2)—
- (a) to disclose any information in accordance with any enactment or order of a court [F34 or of a tribunal established by or under an Act] or for the purposes of any proceedings before a court; or
- (b) to disclose [F35 or use—
- (i) any information which is in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it, or
- (ii)] any information which has previously been lawfully disclosed to the public.
- (4) It is a defence for a person charged with an offence under sub-paragraph (2) to prove that the person reasonably believed that the disclosure or use was lawful.
- (5) A person guilty of an offence under sub-paragraph (2) is [F36]liable—
- (a) on conviction on indictment—
- (i) to imprisonment for a term not exceeding 2 years, or
- (ii) to a fine, or
- (iii) to both;
- (b) on summary conviction—
- (i) to imprisonment for a term not exceeding 12 months, or
- (ii) to a fine not exceeding the statutory maximum, or
- (iii) to both.]
- [ Sub-paragraph (5)(b) applies in relation to offences committed before the F37(6) commencement of [F38 paragraph 24(2) of Schedule 22 to the Sentencing Act 2020] (general limit on power of magistrates' courts to impose imprisonment) as if the reference to 12 months were a reference to 6 months.
- (7) A prosecution for an offence under sub-paragraph (2) may be instituted only by or with the consent of the Director of Public Prosecutions.]

#### Textual Amendments

- F31** Word in Sch. 5 para. 9B(1) substituted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 27\(6\)\(a\)](#), [61\(3\)](#); [S.I. 2013/2981](#), [art. 2\(a\)](#)
- F32** Words in Sch. 5 para. 9B(1) substituted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 27\(6\)\(b\)](#), [61\(3\)](#); [S.I. 2013/2981](#), [art. 2\(a\)](#)
- F33** Words in Sch. 5 para. 9B(2)(b) substituted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 27\(7\)](#), [61\(3\)](#); [S.I. 2013/2981](#), [art. 2\(a\)](#)
- F34** Words in Sch. 5 para. 9B(3)(a) inserted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 27\(8\)\(a\)](#), [61\(3\)](#); [S.I. 2013/2981](#), [art. 2\(a\)](#)
- F35** Words in Sch. 5 para. 9B(3)(b) inserted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 27\(8\)\(b\)](#), [61\(3\)](#); [S.I. 2013/2981](#), [art. 2\(a\)](#)
- F36** Words in Sch. 5 para. 9B(5) substituted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 27\(9\)](#), [61\(3\)](#); [S.I. 2013/2981](#), [art. 2\(a\)](#)

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- F37** Sch. 5 para. 9B(6)(7) inserted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 27(10)**, 61(3); S.I. 2013/2981, art. 2(a)
- F38** Words in Sch. 5 para. 9B(6) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 443(1)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

*Paragraphs 9A and 9B: supplementary*

- 9C (1) [<sup>F39</sup>Sub-paragraphs (3) and (3A) apply] for the purposes of paragraphs 9A and 9B.
- <sup>F40</sup>(2) . . . . .
- (3) “Information” means information held in any form.
- [ “Relevant court” has the same meaning as in Part 3 of this Schedule.
- <sup>F41</sup>(3A)
- (3B) In paragraphs 9A and 10 (as in the provisions of this Schedule which extend to England and Wales only)—
- “fines officer” has the meaning given by section 36;
- “P” has the meaning given by paragraph 1.]
- <sup>F42</sup>(4) . . . . .
- (5) Nothing in paragraph 9A or 9B authorises the making of a disclosure which contravenes [<sup>F43</sup>the data protection legislation].
- [ In this paragraph, “the data protection legislation” has the same meaning as in the
- <sup>F44</sup>(6) Data Protection Act 2018 (see section 3 of that Act).]]

**Textual Amendments**

- F39** Words in Sch. 5 para. 9C substituted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 27(12)(a)**, 61(3); S.I. 2013/2981, art. 2(a)
- F40** Sch. 5 para. 9C(2) omitted (11.12.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 27(11)**, 61(3); S.I. 2013/2981, art. 2(a)
- F41** Sch. 5 para. 9C(3A)(3B) inserted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 27(12)(b)**, 61(3); S.I. 2013/2981, art. 2(a)
- F42** Sch. 5 para. 9C(4) omitted (11.12.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 27(11)**, 61(3); S.I. 2013/2981, art. 2(a)
- F43** Words in Sch. 5 para. 9C(5) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 92(2)** (with **ss. 117, 209, 210**); S.I. 2018/625, **reg. 2(1)(g)**
- F44** Sch. 5 para. 9C(6) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 92(3)** (with **ss. 117, 209, 210**); S.I. 2018/625, **reg. 2(1)(g)**

**Modifications etc. (not altering text)**

- C6** Sch. 5 para. 9C extended to S. and N.I. (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 27(13)**, 61(3); S.I. 2013/2981, **art. 2(a)**

*Meaning of “relevant benefit” and “application for benefit deductions”*

- 10 In this Schedule—

*Status: Point in time view as at 04/01/2022.*

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- (a) “relevant benefit” means a benefit from which the Secretary of State may make deductions by virtue of section 24 of the Criminal Justice Act 1991 (recovery of fines etc. by deductions from [<sup>F45</sup>universal credit and] income support etc.), and
- (b) “application for benefit deductions”, in relation to a relevant benefit, means an application to the Secretary of State asking him to deduct sums from any amounts payable to P by way of the benefit.

#### Textual Amendments

**F45** Words in Sch. 5 para. 10(a) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **17(2)**

#### Modifications etc. (not altering text)

**C7** Sch. 5 para. 10 extended (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 27(13)**, 61(3); [S.I. 2013/2981](#), art. 2(a)

#### Commencement Information

**I8** Sch. 5 para. 10 wholly in force at 5.4.2004; Sch. 5 para. 10 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 10 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 10 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 10 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

## [<sup>F46</sup>PART 3B

### JUSTICE ACT (NORTHERN IRELAND) 2016: INFORMATION SHARING

#### Textual Amendments

**F46** Sch. 5 Pt. 3B inserted (N.I.) (12.4.2017 coming into force in accordance with art. 1(2)) by [The Collection of Fines etc. \(Northern Ireland Consequential Amendments\) Order 2017 \(S.I. 2017/570\)](#), arts. 1(2), **2(2)**

#### *Attachment of earnings orders: disclosure of information*

- 10A. (1) Her Majesty’s Revenue and Customs, or a person providing services to the Commissioners for Her Majesty’s Revenue and Customs, may disclose finances information to a court in Northern Ireland or a collection officer for the purpose of—
- (a) facilitating a decision by the court or officer whether or not to make an attachment of earnings order, or
  - (b) facilitating the making of an attachment of earnings order by the court or officer.
- (2) In sub-paragraph (1), “finances information” means information—
- (a) which is about a person’s income, gains or capital and is held by—
    - (i) Her Majesty’s Revenue and Customs, or
    - (ii) a person providing services to the Commissioners for Her Majesty’s Revenue and Customs in connection with the provision of those services, or
  - (b) which is held with information of the description given in paragraph (a).

*Status: Point in time view as at 04/01/2022.*

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- (3) A person to whom information is disclosed under this paragraph commits an offence if the person—
- (a) discloses the information to another person, or
  - (b) uses the information for a purpose other than a purpose referred to in sub-paragraph (1).
- (4) It is not an offence under sub-paragraph (3)—
- (a) to disclose any information in accordance with a statutory provision or an order of a court or of a tribunal established by or under a statutory provision or for the purposes of any proceedings before a court,
  - (b) to disclose or use any information which is in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it, or
  - (c) to disclose or use any information which has previously been lawfully disclosed to the public.
- (5) It is a defence for a person charged with an offence under sub-paragraph (3) to prove that the person reasonably believed that the disclosure or use was lawful.
- (6) A person guilty of an offence under sub-paragraph (3) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or both.
- (7) Nothing in this paragraph authorises the making of a disclosure which contravenes [<sup>F47</sup>the data protection legislation].
- (8) In this paragraph—
- “attachment of earnings order” and “collection officer” each have the same meaning as in Chapter 1 of Part 1 of the Justice Act (Northern Ireland) 2016 (see section 27(1) of that Act);
- [<sup>F48</sup>“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);]
- “information” means information held in any form;
- “statutory provision” has the same meaning as in the Interpretation Act (Northern Ireland) 1954 (see section 1(f) of that Act).]

#### Textual Amendments

- F47** Words in Sch. 5 para. 10A(7) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\), s. 212\(1\)](#), [Sch. 19 para. 93\(2\)](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625, reg. 2\(1\)\(g\)](#)
- F48** Words in Sch. 5 para. 10A(8) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\), s. 212\(1\)](#), [Sch. 19 para. 93\(3\)](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625, reg. 2\(1\)\(g\)](#)

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## PART 4

### MAKING OF COLLECTION ORDERS

#### *Application of Part*

11 <sup>F49</sup>(1) This Part applies whether or not the relevant court has made an attachment of earnings order or an application for benefit deductions under Part 3 of this Schedule.]

(2) In this Part “the relevant court” has the same meaning as in Part 3 of this Schedule.

#### **Textual Amendments**

**F49** Sch. 5 para. 11(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 14

#### **Commencement Information**

**I9** Sch. 5 para. 11 wholly in force at 5.4.2004; Sch. 5 para. 11 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 11 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. 4(a); Sch. 5 para. 11 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. 4(b); Sch. 5 para. 11 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. 4(c)

#### *Court’s power to make a collection order*

12 (1) The relevant court must make an order (“a collection order”) relating to the payment of the sum due, unless it appears to the court that it is impracticable or inappropriate to make the order.

(2) If P is subject to a collection order, the powers of any court to deal with P’s liability to pay the sum due are subject to the provisions of this Schedule and to fines collection regulations.

#### **Commencement Information**

**I10** Sch. 5 para. 12 wholly in force at 5.4.2004; Sch. 5 para. 12 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 12 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. 4(a); Sch. 5 para. 12 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. 4(b); Sch. 5 para. 12 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. 4(c)

#### *Contents of collection orders: general*

13 (1) The collection order must—

<sup>F50</sup>(a) state the amount of the sum due,

(aa) where that sum consists of or includes a fine<sup>F51</sup>, a sum required to be paid by a compensation order<sup>F52</sup>, a sum required to be paid by an unlawful profit order<sup>F53</sup> or a sum required to be paid by a slavery and trafficking reparation order], state—

<sup>F54</sup>(i) the amount of the fine, the amount required to be paid by the compensation order <sup>F55</sup>, the] amount required to be paid by the unlawful profit order <sup>F56</sup> or the amount required to be paid by

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the slavery and trafficking reparation order] (or, where that sum consists of or includes two or more of those amounts, each of those amounts),]

(ii) the amount of any other part of the sum due,]

- (b) state the court’s conclusions as to whether P is an existing defaulter and if so whether the existing default (or defaults) can be disregarded,
- (c) if the court has made an attachment of earnings order or an application for benefit deductions, state that fact,
- (d) specify the fines office to which the order is allocated, and
- (e) contain information about the effect of the order.

(2) In this Schedule “the fines officer”, in relation to P, means any fines officer working at the fines office specified in the collection order.

#### Textual Amendments

- F50** Sch. 5 para. 13(1)(a)(aa) substituted (3.7.2006) for Sch. 5 para. 13(1)(a) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 15
- F51** Words in Sch. 5 para. 13(1)(aa) 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. 27\(a\)](#); S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2
- F52** Words in Sch. 5 para. 13(1)(aa) substituted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), [Sch. 5 para. 23\(4\)\(a\)](#); S.I. 2015/1476, reg. 2(j)
- F53** Words in Sch. 5 para. 13(1)(aa) inserted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), [Sch. 5 para. 23\(4\)\(b\)](#); S.I. 2015/1476, reg. 2(j)
- F54** Sch. 5 para. 13(1)(aa)(i) 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. 27\(b\)](#); S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2
- F55** Word in Sch. 5 para. 13(1)(aa)(i) substituted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), [Sch. 5 para. 23\(4\)\(c\)](#); S.I. 2015/1476, reg. 2(j)
- F56** Words in Sch. 5 para. 13(1)(aa)(i) inserted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), [Sch. 5 para. 23\(4\)\(d\)](#); S.I. 2015/1476, reg. 2(j)

#### Commencement Information

- I11** Sch. 5 para. 13 wholly in force at 5.4.2004; Sch. 5 para. 13 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 13 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. 4(a); Sch. 5 para. 13 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. 4(b); Sch. 5 para. 13 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. 4(c)

*Contents of collection orders: no attachment of earnings order etc. made*

- 14 (1) If the relevant court has not under Part 3 made an attachment of earnings order or an application for benefit deductions, the collection order must state the payment terms.
- (2) “The payment terms” means—
- (a) a term requiring P to pay the sum due within a specified period, or
  - (b) terms requiring P to pay the sum due by instalments of specified amounts on or before specified dates.

#### Commencement Information

- I12** Sch. 5 para. 14 wholly in force at 5.4.2004; Sch. 5 para. 14 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 14 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. 4(a); Sch. 5 para. 14 in

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force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 14 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

*Contents of collection orders: attachment of earnings order etc. made*

- 15 (1) If the court has under Part 3 of this Schedule made an attachment of earnings order or an application for benefit deductions, the collection order must state the reserve terms.
- (2) “The reserve terms” means terms of a description mentioned in paragraph 14(2) but which (subject to paragraphs 31, 32<sup>F57</sup> . . . and 39) are to have effect if the attachment of earnings order or application for benefit deductions fails.

**Textual Amendments**

**F57** Words in Sch. 5 para. 15(2) omitted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 16

**Commencement Information**

**I13** Sch. 5 para. 15 wholly in force at 5.4.2004; Sch. 5 para. 15 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 15 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 15 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 15 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

*When an attachment of earnings order fails*

- 16 For the purposes of this Schedule, an attachment of earnings order fails if—
- (a) P’s employer fails to comply with the order, or
  - (b) the order is discharged at a time when P remains liable to pay any part of the sum due.

**Commencement Information**

**I14** Sch. 5 para. 16 wholly in force at 5.4.2004; Sch. 5 para. 16 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 16 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 16 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 16 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

*When an application for benefit deductions fails*

- 17 For the purposes of this Schedule, an application for benefit deductions fails if—
- (a) the application is withdrawn,
  - (b) the Secretary of State decides not to make deductions,
  - (c) an appeal against a decision of the Secretary of State to make deductions succeeds, or
  - (d) the Secretary of State ceases to make deductions at a time when P remains liable to pay any part of the sum due.

*Status: Point in time view as at 04/01/2022.*

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### Commencement Information

- I15** Sch. 5 para. 17 wholly in force at 5.4.2004; Sch. 5 para. 17 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 17 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 17 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 17 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

## F58F58 PART 5

### DISCOUNT WHERE COLLECTION ORDER MADE

### Textual Amendments

- F58** Sch. 5 Pt. 5 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 17

### *Application of Part*

- 18 This Part applies if—
- (a) a collection order has been made in respect of the sum due, and
  - (b) the order states that P is not an existing defaulter or, if he is, that his existing default (or defaults) can be disregarded.

#### *Discount on fine if the sum due is paid without default*

- 19
- (1) P is allowed a discount on the fine if the sum due, less the amount of the discount, is paid without P at any time having been in default on the order.
  - (2) The amount of the discount is to be determined in accordance with fines collection regulations but must not be greater than 50% of the fine.
  - (3) The discount is given effect by extinguishing P's liability to pay the part of the sum due that is equal to the amount of the discount.

#### *Meaning of “in default on a collection order”*

- 20 For the purposes of this Schedule, P is in default on a collection order if he fails to pay any amount due under the payment terms (or, if they have effect, the reserve terms) on or before the date on which it is required to be paid.



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## PART 6

### VARIATION OF COLLECTION ORDERS CONTAINING PAYMENT TERMS

#### *Application of Part*

- [<sup>F59</sup>21 This Part applies if—
- (a) the court has made a collection order, and
  - (b) the order contains payment terms but does not contain reserve terms.]

#### **Textual Amendments**

**F59** Sch. 5 para. 21 substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 56\(2\), 95\(1\); S.I. 2015/778, art. 3, Sch. 1 para. 46](#)

#### *Application to fines officer for variation of order or attachment of earnings order etc.*

- 22 <sup>F60</sup>(1) .....
- (2) [<sup>F61</sup>P may at any time apply to the fines officer under this paragraph for] —
    - (a) the payment terms to be varied, or
    - (b) an attachment of earnings order or application for benefit deductions to be made.
  - (3) No application may be made under sub-paragraph (2)(a) unless—
    - (a) there has been a material change in P’s circumstances since the collection order was made (or the payment terms were last varied under this paragraph), or
    - (b) P is making further information about his circumstances available.
  - (4) On an application under sub-paragraph (2)(a), the fines officer may decide—
    - (a) to vary the payment terms <sup>F62</sup>..., or
    - (b) not to vary them.
  - [<sup>F63</sup>(4A) The fines officer may not vary the payment terms under sub-paragraph (4)(a) so that they are less favourable to P without P’s consent.]
  - (5) On an application under sub-paragraph (2)(b), the fines officer may decide—
    - (a) to make an attachment of earnings order or application for benefit deductions, or
    - (b) not to do so.
  - (6) If he decides to make an order or application he must vary the collection order so that it states reserve terms.
  - [<sup>F64</sup>(7) The fines officer may not vary the order so that it states reserve terms which are less favourable to P than the payment terms without P’s consent.]
  - (8) A decision of the fines officer under this paragraph must be in writing, dated and delivered to P.
  - (9) Subject to paragraph 23, the effect of—
    - (a) a decision under sub-paragraph (4)(a), and

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- (b) a variation under sub-paragraph (6),  
 is that the collection order has effect as varied by the fines officer.

#### Textual Amendments

- F60** Sch. 5 para. 22(1) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 56\(3\)\(a\)](#), [95\(1\)](#); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 46](#)
- F61** Words in Sch. 5 para. 22(2) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 56\(3\)\(b\)](#), [95\(1\)](#); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 46](#)
- F62** Words in Sch. 5 para. 22(4)(a) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 56\(3\)\(c\)](#), [95\(1\)](#); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 46](#)
- F63** Sch. 5 para. 22(4A) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 56\(3\)\(d\)](#), [95\(1\)](#); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 46](#)
- F64** Sch. 5 para. 22(7) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 56\(3\)\(e\)](#), [95\(1\)](#); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 46](#)

#### Commencement Information

- I19** Sch. 5 para. 22 wholly in force at 5.4.2004; Sch. 5 para. 22 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 22 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 22 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 22 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

#### *Appeal against decision of fines officer*

- 23 (1) P may, within 10 working days from the date of a decision under paragraph 22, appeal to the magistrates' court against the decision.
- (2) On an appeal under this paragraph the magistrates' court may—
- (a) confirm or vary the payment terms (or the reserve terms),
  - (b) if the appeal is against a decision on an application under paragraph 22(2) (b) or if P consents, make an attachment of earnings order or an application for benefit deductions, or
  - (c) discharge the collection order and exercise any of its standard powers in respect of persons liable to pay fines.
- (3) If the court makes an attachment of earnings order or an application for benefit deductions, it must vary the collection order so that it states reserve terms.

#### Commencement Information

- I20** Sch. 5 para. 23 wholly in force at 5.4.2004; Sch. 5 para. 23 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 23 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 23 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 23 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

#### *Nature of power to vary terms of collection order*

- 24 (1) A power to vary the payment terms of a collection order includes power to—
- (a) substitute terms requiring P to pay by specified instalments on or before specified dates for a term requiring P to pay within a specified period, or

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- (b) substitute a term requiring P to pay within a specified period for terms requiring P to pay the sum due by specified instalments on or before specified dates.
- (2) Subject to sub-paragraph (1), a power to vary the payment terms of a collection order under which the sum due is required to be paid within a specified period is a power to vary the date on or before which the sum due is to be paid.
- (3) Subject to sub-paragraph (1), a power to vary the payment terms of a collection order under which the sum due is required to be paid by specified instalments on or before specified dates is a power to vary—
- (a) the number of instalments payable;
  - (b) the amount of any instalment;
  - (c) the date on or before which any instalment is required to be paid.
- (4) This paragraph applies in relation to the variation of the reserve terms as it applies in relation to the payment terms.

#### Commencement Information

- I21** Sch. 5 para. 24 wholly in force at 5.4.2004; Sch. 5 para. 24 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 24 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 24 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 24 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

*[<sup>F65</sup>Meaning of “in default on a collection order”*

#### Textual Amendments

- F65** Sch. 5 para. 24A inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), [arts. 1, 18](#)

- 24A For the purposes of this Schedule, P is in default on a collection order if he fails to pay any amount due under the payment terms (or, if they have effect, the reserve terms) on or before the date on which it is required to be paid.]

## PART 7

### EFFECT OF FIRST DEFAULT ON COLLECTION ORDER CONTAINING PAYMENT TERMS

#### *Application of Part*

- 25 This Part applies on the first occasion on which P is in default on a collection order containing payment terms and none of the following is pending—
- <sup>F66</sup>(a) an application to a fines officer under paragraph 22 (application for variation of order or for attachment of earnings order etc) that was made at a time when P was not in default on the collection order;
  - (b) an appeal under paragraph 23 against a decision of a fines officer on an application described in paragraph (a);]

*Status: Point in time view as at 04/01/2022.*

*Changes to legislation: Courts Act 2003, SCHEDULE 5 is up to date with all changes known to be in force on or before 06 September 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)*

- (c) a reference under paragraph 42 (power of fines officer to refer case to magistrates' court).

**Textual Amendments**

**F66** Sch. 5 para. 25(a)(b) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 56\(4\), 95\(1\)](#); [S.I. 2015/778, art. 3, Sch. 1 para. 46](#)

**Commencement Information**

**I22** Sch. 5 para. 25 wholly in force at 5.4.2004; Sch. 5 para. 25 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 25 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 25 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 25 in force for all purposes at 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

*Attachment of earnings order or application for benefit deductions to be made*

- 26 (1) The fines officer must make an attachment of earnings order if it appears to him—
- (a) that P is in employment, and
  - (b) that it is not impracticable or inappropriate to make the order.
- (2) The fines officer must make an application for benefit deductions if it appears to him—
- (a) that P is entitled to a relevant benefit, and
  - (b) that it is not impracticable or inappropriate to make the application.
- (3) If it appears to the fines officer that (apart from this sub-paragraph) both sub-paragraph (1) and sub-paragraph (2) would apply, he must make either an attachment of earnings order or an application for benefit deductions.

**Commencement Information**

**I23** Sch. 5 para. 26 wholly in force at 5.4.2004; Sch. 5 para. 26 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 26 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 26 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 26 in force for all purposes at 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

*Increase in fine*

27 **F67** .....

**Textual Amendments**

**F67** Sch. 5 para. 27 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\), arts. 1, 19\(a\)](#)

*Notice of increase etc.*

28 **F68** .....

*Status: Point in time view as at 04/01/2022.*

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### Textual Amendments

- F68** Sch. 5 para. 28 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **19(a)**

## PART 8

### OPERATION OF COLLECTION ORDERS CONTAINING RESERVE TERMS

#### *Application of Part*

- 29 This Part applies if—
- (a) a collection order contains reserve terms, and
  - (b) the attachment of earnings order or application for benefit deductions made under Part 3 or 6 fails.

### Commencement Information

- I24** Sch. 5 para. 29 wholly in force at 5.4.2004; Sch. 5 para. 29 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 29 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 29 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 29 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

#### *Requirement to notify P on failure of an attachment of earnings order etc.*

- 30 The fines officer must deliver to P a notice (“a payment notice”) informing P—
- (a) that the order or application has failed and the reserve terms have effect,
  - (b) what P has to do to comply with the reserve terms, and
  - (c) of his right to make applications under paragraph 31.

### Commencement Information

- I25** Sch. 5 para. 30 wholly in force at 5.4.2004; Sch. 5 para. 30 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 30 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 30 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 30 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

#### *Application to fines officer for variation of reserve terms*

- 31 <sup>[F69]</sup>(1) P may, at any time after the date of a payment notice under paragraph 30, apply to the fines officer for the reserve terms to be varied.]
- (2) No application may be made under sub-paragraph (1) unless—
    - (a) there has been a material change in P’s circumstances since the reserve terms were set (or last varied under this paragraph), or
    - (b) P is making further information about his circumstances available.
  - (3) On such an application being made, the fines officer may decide—

*Status: Point in time view as at 04/01/2022.*

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- (a) to vary the reserve terms <sup>F70</sup> ..., or
- (b) not to vary them.

[<sup>F71</sup>(3A) The fines officer may not vary the reserve terms under sub-paragraph (3)(a) so that they are less favourable to P without P's consent.]

- (4) A decision of the fines officer under this paragraph must be in writing, dated and delivered to P.
- (5) Subject to paragraph 32, the effect of a decision under sub-paragraph (3)(a) is that the collection order has effect with the reserve terms varied in the way decided by the fines officer.

#### Textual Amendments

- F69** Sch. 5 para. 31(1) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 56(5)(a)**, 95(1); S.I. 2015/778, **art. 3**, Sch. 1 para. 46
- F70** Words in Sch. 5 para. 31(3)(a) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 56(5)(b)**, 95(1); S.I. 2015/778, **art. 3**, Sch. 1 para. 46
- F71** Sch. 5 para. 31(3A) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 56(5)(c)**, 95(1); S.I. 2015/778, **art. 3**, Sch. 1 para. 46

#### Commencement Information

- I26** Sch. 5 para. 31 wholly in force at 5.4.2004; Sch. 5 para. 31 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 31 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 31 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 31 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

#### *Appeal against decision of fines officer*

- 32 (1) P may, within 10 working days from the date of a decision under paragraph 31(3), appeal to the magistrates' court against the decision.
- (2) On an appeal under this paragraph the magistrates' court may—
- (a) confirm or vary the reserve terms, or
  - (b) discharge the order and exercise any of its standard powers in respect of persons liable to pay fines [<sup>F72</sup>or other sums] .

#### Textual Amendments

- F72** Words in Sch. 5 para. 32(2)(b) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), **arts. 1, 21**

#### Commencement Information

- I27** Sch. 5 para. 32 wholly in force at 5.4.2004; Sch. 5 para. 32 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 32 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 32 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 32 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

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*Increase in fine on first default*

33 F73 .....

**Textual Amendments**

**F73** Sch. 5 para. 33 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **22(a)**

*Notice of increase etc.*

34 F74 .....

**Textual Amendments**

**F74** Sch. 5 para. 34 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **22(b)**

**PART 9**

[<sup>F75</sup>FURTHER STEPS]

**Textual Amendments**

**F75** Sch. 5 Pt. 9: heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **23**

*Effect of compliance with requirement to contact fines officer*

35 F76 .....

**Textual Amendments**

**F76** Sch. 5 para. 35 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **24(a)**

*Application to fines officer after increase for variation of payment terms*

36 F77 .....

**Textual Amendments**

**F77** Sch. 5 para. 36 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **24(b)**

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*Functions of fines officer in relation to defaulters: referral or further steps notice*

- 37 <sup>F78</sup>(1) This paragraph applies if—
- (a) P is in default on a collection order,
  - (b) paragraph 26 does not apply, and
  - (c) none of the following is pending—
    - <sup>F79</sup>(i) an application to a fines officer under paragraph 31 (application for variation of reserve terms) that was made at a time when P was not in default on the collection order;
    - (ii) an appeal under paragraph 32 against a decision of a fines officer on an application described in sub-paragraph (i);]
    - (iii) a reference under paragraph 42 (power of fines officer to refer case to magistrates' court).]
- <sup>F80</sup>(2) .....
- <sup>F80</sup>(3) .....
- <sup>F80</sup>(4) .....
- <sup>F80</sup>(5) .....
- (6) The fines officer must—
    - (a) refer P's case to the magistrates' court, or
    - (b) deliver to P a notice (a “further steps notice”) that he intends to take one or more of the steps listed in paragraph 38.
  - (7) Any steps that the fines officer <sup>F81</sup>wishes to be able] to take must be specified in the notice.
  - (8) A further steps notice must be in writing and dated.
  - (9) P may, within 10 working days from the date of the further steps notice, appeal to the magistrates' court against it.

**Textual Amendments**

- F78** Sch. 5 para. 37(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **25(a)**
- F79** Sch. 5 para. 37(1)(c)(i)(ii) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), ss. **56(6)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 46
- F80** Sch. 5 para. 37(2)-(5) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **25(b)**
- F81** Words in Sch. 5 para. 37(7) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), ss. **88(3)**, 151(1); S.I. 2013/453, art. 4(a)

**Commencement Information**

- I28** Sch. 5 para. 37 wholly in force at 5.4.2004; Sch. 5 para. 37 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 37 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. **4(a)**; Sch. 5 para. 37 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. **4(b)**; Sch. 5 para. 37 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. **4(c)**



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*[<sup>F82</sup>Issue by fines officer of replacement notice*

**Textual Amendments**

**F82** Sch. 5 para. 37A and cross-heading inserted (8.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. 88(4), 151(1); S.I. 2013/453, art. 4(a)

- 37A (1) This paragraph applies if—
- (a) the fines officer has delivered to P a notice (“the current notice”) that is—
    - (i) a further steps notice that has not been replaced by a notice under this paragraph, or
    - (ii) a notice under this paragraph that has not been replaced by a further notice under this paragraph,
  - (b) P remains liable to pay any part of the sum due, and
  - (c) the fines officer wishes to be able to take one or more steps listed in paragraph 38 but not specified in the current notice.
- (2) The fines officer may deliver to P a notice replacing the current notice.
- (3) A notice under this paragraph (a “replacement notice”) must—
- (a) state that the fines officer intends to take one or more of the steps listed in paragraph 38,
  - (b) specify the steps that the fines officer wishes to be able to take, and
  - (c) be in writing and dated.
- (4) P may, within 10 working days from the date of a replacement notice, appeal to the magistrates' court against it.
- (5) If a step is being taken in reliance on a notice at the time when the notice is replaced by a replacement notice, the taking of the step may continue despite the replacement.]

*The range of further steps available against defaulters*

- 38 (1) The steps referred to in paragraphs 37(6)(b)[<sup>F83</sup>, 37A(3)(a)] and 39(3) and (4) (powers to take further steps) are—
- (a) issuing a [<sup>F84</sup>warrant of control] for the purpose of [<sup>F85</sup>recovering] the sum due;
  - (b) registering the sum in the register of judgments and orders required to be kept by section 98;
  - (c) making an attachment of earnings order or an application for benefit deductions;
  - (d) subject to sub-paragraph (3), making a clamping order;
  - [<sup>F86</sup>(e) taking proceedings by virtue of section 87(1) of the 1980 Act (enforcement of payment of fines by High Court and county court).]
  - <sup>F87</sup>(f) .....
- (2) A clamping order is an order—
- (a) that a motor vehicle be fitted with an immobilisation device (“clamped”), and

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- (b) which complies with any requirements that are imposed by fines collection regulations under paragraph 46 with respect to the making of clamping orders.
- (3) A clamping order must not be made except in relation to a vehicle which is registered under the Vehicle Excise and Registration Act 1994 in P’s name.

F88(4) . . . . .

F89(5) . . . . .

**Textual Amendments**

**F83** Words in Sch. 5 para. 38(1) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 88\(5\)\(a\)](#), 151(1); S.I. 2013/453, art. 4(a)

**F84** Words in Sch. 5 para. 38(1)(a) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 148, Sch. 13 para. 149](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)

**F85** Word in Sch. 5 para. 38(1)(a) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 88\(5\)\(b\)](#), 151(1); S.I. 2013/453, art. 4(a)

**F86** Sch. 5 para. 38(1)(e) substituted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 26

**F87** Sch. 5 para. 38(1)(f) omitted (31.12.2020) by virtue of [The Criminal Justice \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/780\)](#), regs. 1(1), 18(a); 2020 c. 1, Sch. 5 para. 1(1)

**F88** Sch. 5 para. 38(4) omitted (31.12.2020) by virtue of [The Criminal Justice \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/780\)](#), regs. 1(1), 18(b); 2020 c. 1, Sch. 5 para. 1(1)

**F89** Sch. 5 para. 38(5) omitted (31.12.2020) by virtue of [The Criminal Justice \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/780\)](#), regs. 1(1), 18(c); 2020 c. 1, Sch. 5 para. 1(1)

**Commencement Information**

**I29** Sch. 5 para. 38 wholly in force at 5.4.2004; Sch. 5 para. 38 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 38 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 38 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 38 in force for all purposes at 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

*Powers of court*<sup>F90</sup> . . .

**Textual Amendments**

**F90** Sch. 5 para. 39: words in heading omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 27(d)

- 39 (1) This paragraph applies if the magistrates' court is hearing P’s case following—
- (a) <sup>F91</sup> . . . . .
  - (b) a referral under paragraph 37(6)(a) (functions of fines officer in relation to defaulters), or
  - (c) an appeal under paragraph 37(9) [<sup>F92</sup> or 37A(4)] (appeal against a further steps notice [<sup>F93</sup> or replacement notice ]).
- (2) <sup>F91</sup> . . . . .
- (3) On [<sup>F94</sup>a] referral falling within sub-paragraph [<sup>F95</sup>(1)(b)] , the court may—

*Status: Point in time view as at 04/01/2022.*

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- (a) vary the payment terms (or the reserve terms);
  - (b) take any of the steps listed in paragraph 38;
  - (c) discharge the order and exercise any of its standard powers in respect of persons liable to pay fines [<sup>F96</sup>or other sums] .
- (4) On an appeal against a further steps notice [<sup>F97</sup>or replacement notice ], the court may—
- (a) confirm or quash the notice;
  - (b) vary the notice so as to specify any step listed in paragraph 38;
  - (c) vary the payment terms (or the reserve terms);
  - (d) discharge the order and exercise any of its standard powers in respect of persons liable to pay fines [<sup>F98</sup>or other sums] .

#### Textual Amendments

- F91** Sch. 5 para. 39(1)(a)(2) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **27(a)**
- F92** Words in Sch. 5 para. 39(1)(c) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), ss. **88(6)(a)(i)**, 151(1); S.I. 2013/453, art. 4(a)
- F93** Words in Sch. 5 para. 39(1)(c) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), ss. **88(6)(a)(ii)**, 151(1); S.I. 2013/453, art. 4(a)
- F94** Words in Sch. 5 para. 39(3) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **27(b)(i)**
- F95** Words in Sch. 5 para. 39(3) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **27(b)(ii)**
- F96** Words in Sch. 5 para. 39(3)(c) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **27(c)(i)**
- F97** Words in Sch. 5 para. 39(4) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), ss. **88(6)(b)**, 151(1); S.I. 2013/453, art. 4(a)
- F98** Words in Sch. 5 para. 39(4)(d) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **27(c)(ii)**

#### Commencement Information

- I30** Sch. 5 para. 39 wholly in force at 5.4.2004; Sch. 5 para. 39 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 39 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. **4(a)**; Sch. 5 para. 39 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. **4(b)**; Sch. 5 para. 39 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. **4(c)**

#### *Implementation of further steps notice*

- 40 If—
- (a) P does not appeal within 10 working days against a further steps notice [<sup>F99</sup>or replacement notice], or
  - (b) he does so but the further steps notice [<sup>F99</sup>or replacement notice ] is confirmed or varied,
- any step specified in the notice (or the notice as varied) may be taken [<sup>F100</sup>and retaken].

*Status: Point in time view as at 04/01/2022.*

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#### Textual Amendments

- F99** Words in Sch. 5 para. 40 inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 88\(7\)\(a\)](#), 151(1); S.I. 2013/453, art. 4(a)
- F100** Words in Sch. 5 para. 40 inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 88\(7\)\(b\)](#), 151(1); S.I. 2013/453, art. 4(a)

#### Commencement Information

- I31** Sch. 5 para. 40 wholly in force at 5.4.2004; Sch. 5 para. 40 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 40 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 40 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 40 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

#### *[<sup>F101</sup>Withdrawal of warrant of control by fines officer*

#### Textual Amendments

- F101** Sch. 5 paras. 40A-40C and cross-headings inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 88\(8\)](#), 151(1); S.I. 2013/453, art. 4(a)

- 40A (1) This paragraph applies if, in taking a step specified in a further steps notice or replacement notice, the fines officer has issued a warrant of control for the purpose of recovering the sum due.
- (2) The fines officer may withdraw the warrant if—
- (a) P remains liable to pay any part of the sum due, and
  - (b) the fines officer is satisfied that the warrant was issued by mistake, including in particular a mistake made in consequence of the non-disclosure or misrepresentation of a material fact.

#### *Discharge of warrant of control by magistrates' court*

- 40B (1) This paragraph applies if—
- (a) in taking a step specified in a further steps notice or replacement notice, the fines officer has issued a warrant of control for the purpose of recovering the sum due, and
  - (b) the fines officer subsequently refers P's case to the magistrates' court under paragraph 42.
- (2) The magistrates' court may discharge the warrant if—
- (a) P remains liable to pay any part of the sum due, and
  - (b) the power conferred by section 142(1) of the Magistrates' Courts Act 1980 (power of magistrates' court to re-open cases to rectify mistakes etc ) would have been exercisable by the court if the court had issued the warrant.

#### *Duty of fines officer if warrant of control withdrawn or discharged*

- 40C (1) This paragraph applies if condition A or B is met.
- (2) Condition A is that the fines officer has withdrawn a warrant of control under paragraph 40A.

*Status: Point in time view as at 04/01/2022.*

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- (3) Condition B is that—
- (a) in taking a step specified in a further steps notice or replacement notice, the fines officer has issued a warrant of control for the purpose of recovering the sum due,
  - (b) the fines officer has referred P's case to the magistrates' court under paragraph 42,
  - (c) the magistrates' court has discharged the warrant of control under paragraph 40B(2), and
  - (d) the magistrates' court has not discharged the collection order or exercised any of its powers under paragraph 42(2).
- (4) If P remains liable to pay any part of the sum due, the fines officer must—
- (a) take (or retake) one or more of the steps specified in the further steps notice or replacement notice that was the last notice to be delivered to P under paragraph 37 or 37A before the warrant of control was issued, or
  - (b) deliver to P a replacement notice and take one or more of the steps specified in that notice, or
  - (c) refer P's case to, or back to, the magistrates' court under paragraph 42.]

*Power to order sale of clamped vehicle*

- 41 (1) This paragraph applies if—
- (a) a motor vehicle has been clamped under a clamping order, and
  - (b) at the end of the period specified in fines collection regulations under paragraph 46 any part of the sum due is unpaid.
- (2) The magistrates' court may order that—
- (a) the vehicle is to be sold or otherwise disposed of in accordance with those regulations, and
  - (b) any proceeds are to be applied in accordance with those regulations in discharging P's liability in respect of the sum due.

**Commencement Information**

**I32** Sch. 5 para. 41 wholly in force at 5.4.2004; Sch. 5 para. 41 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 41 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 41 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 41 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

*Power of fines officer to refer case to magistrates' court*

- 42 (1) The fines officer may refer a case to the magistrates' court at any time during the period which—
- (a) begins the day after the collection order is made, and
  - (b) ends with the date on which—
    - (i) the sum due (including any increase to which he remains liable) is paid, or
    - (ii) the order is discharged.
- (2) On a referral under this paragraph, the court may—

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- (a) confirm or vary the payment terms (or the reserve terms),
- [<sup>F102</sup>(b) exercise any of its standard powers in respect of persons liable to pay fines or other sums, or]
- (c) <sup>F103</sup> . . . exercise a power it could exercise under any other paragraph.

[<sup>F104</sup>(2A) Where the court exercises any of its standard powers under sub-paragraph (2)(b) it may also discharge the order.]

- (3) Fines collection regulations may provide for the fines officer to have the power to issue a summons for the purpose of ensuring that P attends a magistrates' court to whom P's case has been referred under this paragraph or paragraph 37.

#### Textual Amendments

- F102** Sch. 5 para. 42(2)(b) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **28(a)(i)**
- F103** Words in Sch. 5 para. 42(2)(c) omitted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **28(a)(ii)**
- F104** Sch. 5 para. 42A(2A) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **28(b)**

#### Commencement Information

- I33** Sch. 5 para. 42 wholly in force at 5.4.2004; Sch. 5 para. 42 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 42 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 42 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 42 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

#### *Increase in fine by court*

[<sup>F105</sup>42(A) This paragraph applies where—

- (a) P is in default on a collection order,
  - (b) the sum due consists of or includes a fine, and
  - (c) the fines officer has referred P's case to the court—
    - (i) under paragraph 37(6)(a), or
    - (ii) after taking any of the steps listed in paragraph 38.
- (2) Where the court is satisfied that the default is due to P's wilful refusal or culpable neglect, the court may increase the fine which is the subject of the order.
  - (3) But the court may not increase any other sum which is the subject of the order.
  - (4) The amount of the increase is to be determined in accordance with fines collection regulations but must not be greater than 50% of the fine.
  - (5) The increase is given effect by treating it as part of the fine imposed on P by his conviction.]

#### Textual Amendments

- F105** Sch. 5 para. 42A inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **29**

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## PART 10

### SUPPLEMENTARY PROVISIONS

#### *Fines collection regulations*

- 43 In this Schedule “fines collection regulations” means regulations made by the Lord Chancellor for the purpose of giving effect to this Schedule.

#### Commencement Information

**I34** Sch. 5 para. 43 wholly in force at 5.4.2004; Sch. 5 para. 43 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 43 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 43 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 43 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

- 44 (1) Fines collection regulations may, for the purpose of giving effect to this Schedule and section 97 so far as it relates to this Schedule, make provision modifying (or applying with modifications) any enactment which relates to fines or the enforcement of payment of sums falling within paragraph [F<sup>106</sup>1] .
- (2) The enactments which may be so modified (or applied with modifications) include enactments containing offences.
- (3) Fines collection regulations may make different provision for different cases.

#### Textual Amendments

**F106** Words in Sch. 5 para. 44(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), [arts. 1, 30](#)

#### Commencement Information

**I35** Sch. 5 para. 44 wholly in force at 5.4.2004; Sch. 5 para. 44 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 44 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 44 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 44 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

- 45 Fines collection regulations may, for the purpose of giving effect to the powers to make attachment of earnings orders, make provision as to the method for calculating the amounts which are to be deducted from P’s earnings.

#### Commencement Information

**I36** Sch. 5 para. 45 wholly in force at 5.4.2004; Sch. 5 para. 45 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 45 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 45 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 45 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

- 46 (1) Fines collection regulations may, for the purpose of giving effect to the powers to make clamping orders and to order the sale of clamped motor vehicles, make provision in connection with—
- (a) the fitting of immobilisation devices;

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- (b) the fitting of immobilisation notices to motor vehicles to which immobilisation devices have been fitted;
  - (c) the removal and storage of motor vehicles;
  - (d) the release of motor vehicles from immobilisation devices or from storage (including the conditions to be met before the vehicle is released);
  - (e) the sale or other disposal of motor vehicles not released.
- (2) Fines collection regulations must provide that an immobilisation device may not be fitted to a vehicle—
- (a) which displays a current disabled person’s badge [<sup>F107</sup>; or a current recognised badge] , or
  - (b) in relation to which there are reasonable grounds for believing that it is used for the carriage of a disabled person.

(3) In this Schedule—

“disabled person’s badge” means a badge issued, or having effect as if issued, under regulations made under section 21 of the Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by disabled persons);

“immobilisation device” has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984 (immobilisation of vehicles illegally parked);

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, except that section 189 of the Road Traffic Act 1988 (exceptions for certain vehicles) applies for the purposes of this Schedule as it applies for the purposes of the Road Traffic Acts.

[<sup>F108</sup>“recognised badge” has the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970 (recognition of badges issued outside Great Britain).]

#### Textual Amendments

**F107** Words in Sch. 5 para. 46(2)(a) inserted (30.6.2005 for E. and 30.3.2008 for W.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)(6) {Sch 1 para. 47(1)(2)}; S.I. 2005/1676, [art. 3\(c\)](#); S.I. 2007/3285, [art. 2\(b\)](#)

**F108** Words in Sch. 5 para. 46(3) inserted (30.6.2005 for E. and 30.3.2008 for W.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)(6), [Sch. 1 para. 47\(1\)\(3\)](#); S.I. 2005/1676, [art. 3\(c\)](#); S.I. 2007/3285, [art. 2\(b\)](#)

#### Commencement Information

**I37** Sch. 5 para. 46 wholly in force at 5.4.2004; Sch. 5 para. 46 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 46 in force for certain purposes at 23.2.2004 by S.I. 2004/174, [art. 4\(a\)](#); Sch. 5 para. 46 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, [art. 4\(b\)](#); Sch. 5 para. 46 in force for all purposes at 5.4.2004 by S.I. 2004/174, [art. 4\(c\)](#)



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### Textual Amendments

**F109** Words in Sch. 5 para. 47 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 31

### Commencement Information

**I38** Sch. 5 para. 47 wholly in force at 5.4.2004; Sch. 5 para. 47 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 47 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. 4(a); Sch. 5 para. 47 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. 4(b); Sch. 5 para. 47 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. 4(c)

### *Offences of providing false information, failing to disclose information etc.*

- 48 (1) P commits an offence if, in providing a statement of <sup>[F110]</sup>financial circumstances (whether a statement of assets, of other financial circumstances or of both) to a fines officer in response to a relevant request, 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.
- (2) A person guilty of an offence under sub-paragraph (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) P commits an offence if he fails to provide a <sup>[F111]</sup>fines officer with a statement of financial circumstances (whether a statement of assets, of other financial circumstances or of both) requested by] a relevant request.
- (4) A person guilty of an offence under sub-paragraph (3) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) A relevant request is a request for information about P's financial circumstances <sup>[F112]</sup>(whether about P's assets, P's other financial circumstances or both) which—
- (a) is made by a fines officer, and
  - (b) is expressed to be made for the purpose of determining whether or how the fines officer should vary the payment terms (or the reserve terms) of a collection order in P's favour.
- (6) Proceedings in respect of an offence under this paragraph may be commenced at any time within—
- (a) 2 years from the date of the commission of the offence, or
  - (b) 6 months from its first discovery by the prosecutor,
- whichever ends first.

### Textual Amendments

**F110** Words in Sch. 5 para. 48(1) substituted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 16 para. 28\(2\)\(a\)](#); [S.I. 2013/2981](#), art. 2(d)

**F111** Words in Sch. 5 para. 48(3) substituted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 16 para. 28\(2\)\(b\)](#); [S.I. 2013/2981](#), art. 2(d)

**F112** Words in Sch. 5 para. 48(5) inserted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 16 para. 28\(2\)\(c\)](#); [S.I. 2013/2981](#), art. 2(d)

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#### Commencement Information

**I39** Sch. 5 para. 48 wholly in force at 5.4.2004; Sch. 5 para. 48 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 48 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 48 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 48 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

#### *Offence of meddling with vehicle clamp*

- 49 (1) A person commits an offence if he removes or attempts to remove—
- (a) an immobilisation device, or
  - (b) an immobilisation notice,
- fitted or fixed to a motor vehicle in accordance with a clamping order made under a further steps notice or under paragraph 39(3)(b) (powers of court<sup>F113</sup> . . .).
- (2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### Textual Amendments

**F113** Words in Sch. 5 para. 49(1) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, [32](#)

#### Commencement Information

**I40** Sch. 5 para. 49 wholly in force at 5.4.2004; Sch. 5 para. 49 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 49 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 49 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 49 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

<sup>F114</sup>*Meaning of “standard powers in respect of persons liable to pay fines or other sums”]*

#### Textual Amendments

**F114** Sch. 5 para. 50 and heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, {33}

<sup>F115</sup>50 In this Schedule “standard powers in respect of persons liable to pay fines or other sums” means any power that a magistrates' court would have had if P had not been subject to a collection order but had been liable to pay the sum due.]

#### Textual Amendments

**F115** Sch. 5 para. 50 and heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, [33](#)

#### Commencement Information

**I41** Sch. 5 para. 50 wholly in force at 5.4.2004; Sch. 5 para. 50 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 50 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 50 in

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force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 50 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

*Meaning of references to pending appeals*

- 51 For the purposes of this Schedule the period during which an appeal under this Schedule is pending is to be treated as including the period within which the appeal may be brought (regardless of whether it is in fact brought).

**Commencement Information**

- I42** Sch. 5 para. 51 wholly in force at 5.4.2004; Sch. 5 para. 51 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 51 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 51 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 51 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

*Meaning of “10 working days”*

- 52 In this Schedule “10 working days” means any period of 10 days not including—
- (a) Saturday or Sunday,
  - (b) Christmas Day or Good Friday, or
  - (c) any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.

**Commencement Information**

- I43** Sch. 5 para. 52 wholly in force at 5.4.2004; Sch. 5 para. 52 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 52 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 52 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 52 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

*Meaning of “the magistrates' court”*

- 53 In this Schedule “the magistrates' court”, in relation to a collection order, means any magistrates' court acting in the local justice area in which the court which made the order was sitting.

**Commencement Information**

- I44** Sch. 5 para. 53 wholly in force at 5.4.2004; Sch. 5 para. 53 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 53 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 53 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 53 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

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