

Status: Point in time view as at 05/11/2013.

Changes to legislation: Courts Act 2003, Cross Heading: Application of Part is up to date with all changes known to be in force on or before 10 June 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)

SCHEDULES

SCHEDULE 5

COLLECTION OF FINES ^[F1] 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)
- C1** 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)
- C1** Sch. 5 restricted (prosp.) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 56-58, 173(4)
- C1** 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 3

ATTACHMENT OF EARNINGS ORDERS AND APPLICATIONS FOR BENEFIT DEDUCTIONS

Application of Part

- 7 ^[F1](1) This Part does not apply where the court is hearing P's case following an appeal under paragraph 23, 32 or ^[F2] 37(9) or 37A(4).]
- (2) In the following provisions of this Part, “the relevant court” means—
- the court which is imposing the liability to pay the sum due, or
 - ^{F3} . . . the magistrates' court responsible for enforcing payment of the sum due.
- ^[F4](3) For the purposes of this Schedule—
- an attachment of earnings order, or
 - an application for benefit deductions,
- is an order or application to secure the payment of the whole of the sum due.]

Textual Amendments

- F1** 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)

Status: Point in time view as at 05/11/2013.

Changes to legislation: Courts Act 2003, Cross Heading: Application of Part is up to date with all changes known to be in force on or before 10 June 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)

- F2** 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)
- F3** 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)**
- F4** 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

- I1** 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\(c\)](#)

Attachment of earnings order or application for benefit deductions where P is liable to pay compensation

- [^{F5}7A (1) This paragraph applies if the sum due consists of or includes a sum required to be paid by a compensation order]^{F6}or an unlawful profit order].
- (2) The relevant 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 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

- F5** [Sch. 5 para. 7A](#) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **11**
- F6** Words in Sch. 5 para. 7A(1) inserted (15.10.2013 for E.) by [Prevention of Social Housing Fraud Act 2013 \(c. 3\)](#), s. 12, [Sch. para. 26](#); S.I. 2013/2622, art. 2

Status:

Point in time view as at 05/11/2013.

Changes to legislation:

Courts Act 2003, Cross Heading: Application of Part is up to date with all changes known to be in force on or before 10 June 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.