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## SCHEDULES

### SCHEDULE 5

#### COLLECTION OF FINES [F<sup>1</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)
- 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 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—
- an application under paragraph 22 (application to fines officer for variation of order or for attachment of earnings order etc.);
  - an appeal under paragraph 23 (appeal against decision of fines officer);
  - a reference under paragraph 42 (power of fines officer to refer case to magistrates' court).

##### Commencement Information

- II** 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)

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*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**

**I2** 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 <sup>F1</sup> .....

**Textual Amendments**

**F1** 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)**

**Commencement Information**

**I3** Sch. 5 para. 27 wholly in force at 5.4.2004; Sch. 5 para. 27 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 27 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 27 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 27 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

*Notice of increase etc.*

28 <sup>F2</sup> .....

**Textual Amendments**

**F2** 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)**

**Commencement Information**

**I4** Sch. 5 para. 28 wholly in force at 5.4.2004; Sch. 5 para. 28 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 28 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 28 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. 28 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

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