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Changes to legislation: Courts Act 2003, Cross Heading: Powers of court . . . 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 9

^{F1}FURTHER STEPS]

Textual Amendments

- F1** Sch. 5 Pt. 9: heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 23

Powers of court ^{F1}. . .

Textual Amendments

- F1** 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) ^{F2}
 - (b) a referral under paragraph 37(6)(a) (functions of fines officer in relation to defaulters), or

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- (c) an appeal under paragraph 37(9) [^{F3} or 37A(4)] (appeal against a further steps notice [^{F4} or replacement notice]).
- (2) ^{F2}
- (3) On [^{F5}a] referral falling within sub-paragraph [^{F6}(1)(b)] , the court may—
- (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 [^{F7} or other sums] .
- (4) On an appeal against a further steps notice [^{F8} 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 [^{F9} or other sums] .

Textual Amendments

- F2** 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\(a\)](#)
- F3** 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)
- F4** 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)
- F5** 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\(b\)\(i\)](#)
- F6** 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\(b\)\(ii\)](#)
- F7** 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\(c\)\(i\)](#)
- F8** 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)
- F9** 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

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

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