

*Status: Point in time view as at 12/04/2017.*

*Changes to legislation: Courts Act 2003, SCHEDULE 6 is up to date with all changes known to be in force on or before 02 July 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 6

Section 97(2)

#### DISCHARGE OF FINES BY UNPAID WORK

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

- C1** Sch. 6 applied (1.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 85\(7\)\(b\)](#), 153; [S.I. 2009/2606, art. 2\(f\)](#)
- C2** Sch. 6 restricted (prosp.) by [Education and Skills Act 2008 \(c. 25\), ss. 56-58](#), 173(4)

##### *Introductory*

- 1 (1) This Schedule 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 conviction of a magistrates' court.
- (2) In this Schedule—
- “the prescribed hourly sum” means such sum as may be prescribed by regulations;
- “regulations” means regulations made under this Schedule by the Lord Chancellor;
- “the relevant court” means—
- (a) the court imposing the liability to pay the relevant sum, or
- (b) if that liability has previously been imposed, the magistrates' court responsible for enforcing payment of the relevant sum;
- “the relevant sum” means the sum for which P is liable as mentioned in sub-paragraph (1), but excluding any pecuniary compensation, any pecuniary forfeiture or any sum due in respect of prosecution costs.

##### Commencement Information

- II** [Sch. 6 para. 1](#) wholly in force at 21.9.2004; [Sch. 6 para. 1](#) not in force at Royal Assent see [s. 110\(1\)\(2\)](#); [Sch. 6 para. 1\(2\)](#) in force for certain purposes at 1.5.2004 by [S.I. 2004/1104, art. 3\(d\)](#); [Sch. 6 para. 1](#) in force insofar as not already in force at 21.9.2004 by [S.I. 2004/2195, art. 2](#)

##### *Cases where work order may be made*

- 2 (1) The relevant court may, on the application of a fines officer or of its own motion, make an order under this Schedule (a “work order”) where—
- (a) it appears to the court that in view of P’s financial circumstances all the following methods of enforcing payment of the relevant sum are likely to be impracticable or inappropriate—
- (i) a [F<sup>1</sup>warrant of control] under section 76 of the 1980 Act,

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- (ii) an application to the High Court or county court for enforcement under section 87 of the 1980 Act,
  - (iii) an order under section 88 of the 1980 Act,
  - (iv) an attachment of earnings order,
  - (v) an application for deductions to be made by virtue of section 24 of the Criminal Justice Act 1991 (recovery of fines etc. by deductions from [<sup>F2</sup>universal credit and] income support etc.), and
  - (vi) a collection order under Schedule 5,
  - (b) it appears to the court that P is a suitable person to perform unpaid work under this Schedule, and
  - (c) P consents to the making of the order.
- (2) A court which is considering the making of a work order may issue a summons requiring P to appear before the court.
- (3) A magistrates' court which is considering the making of a work order may order P to give to the court, within a specified period, such a statement of his [<sup>F3</sup>assets and other financial circumstances] as the court may require.
- (4) Subsections (2) to (4) of section 84 of the 1980 Act (offences in respect of statement of [<sup>F4</sup>assets and other financial circumstances]) apply to an order made under subparagraph (3) as they apply to an order made under subsection (1) of that section.

#### Textual Amendments

- F1** Words in Sch. 6 para. 2(1)(a)(i) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 148, Sch. 13 para. 150](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F2** Words in Sch. 6 para. 2(1)(a)(v) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\), regs. 1\(2\), 17\(3\)](#)
- F3** Words in Sch. 6 para. 2(3) substituted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 16 para. 28\(3\)\(a\)](#); S.I. 2013/2981, art. 2(d)
- F4** Words in Sch. 6 para. 2(4) substituted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 16 para. 28\(3\)\(b\)](#); S.I. 2013/2981, art. 2(d)

#### *Provisions of order*

- 3 (1) A work order is an order requiring P to perform unpaid work for a specified number of hours, in accordance with instructions to be given by the fines officer, in order to discharge by virtue of this Schedule his liability for the relevant sum.
- (2) The order must also—
- (a) state the amount of the relevant sum,
  - (b) specify a fines office to which the order is allocated, and
  - (c) specify a person (“the supervisor”) who is to act as supervisor in relation to P.
- (3) The specified number of hours is to be determined by dividing the relevant sum by the prescribed hourly sum and, where the result is not a whole number, adjusting the result upwards to the next whole number.
- (4) A work order must specify a date (“the specified date”) not later than which the required hours of unpaid work must be performed.

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- (5) In the following provisions of this Schedule “the fines officer”, in relation to P, means any fines officer working at the fines office specified in the work order.

*Effect of order on enforcement of payment*

- 4 (1) Where a work order has been made in respect of the relevant sum, payment of that sum may not be enforced against P unless the order is revoked.
- (2) On making a work order, the court must revoke any order relating to the enforcement of the payment of the relevant sum.

*Appointment of, and duties of, supervisor*

- 5 (1) A person may not be appointed as the supervisor without his consent.
- (2) It is the duty of the supervisor—
- (a) to monitor P’s compliance with the requirements of the work order, and
  - (b) to provide the court with such information as the court may require relating to P’s compliance with those requirements.

*Obligations of person subject to work order, and effect of compliance*

- 6 (1) Where a work order is in force, P must perform for the number of hours specified in the order such work, at such places and at such times as he may be instructed by the fines officer.
- (2) The fines officer must ensure, as far as practicable, that any instructions given to P in pursuance of the work order are such as to avoid—
- (a) any conflict with P’s religious beliefs, and
  - (b) any interference with the times, if any, at which he normally works or attends school or any other educational establishment.
- (3) If not later than the specified date P performs work in accordance with the instructions of the fines officer for the specified number of hours, his liability to pay the relevant sum is discharged.

*Effect of payment*

- 7 (1) Where a work order has been made in respect of any sum—
- (a) on payment of the whole of the sum to any person authorised to receive it, the work order ceases to have effect, and
  - (b) on payment of part of the sum to any such person, the number of hours specified in the order is to be taken to be reduced by a proportion corresponding to that which the part paid bears to the whole of the relevant sum.
- (2) In calculating any reduction required by sub-paragraph (1)(b), any fraction of an hour is to be disregarded.

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### *Revocation or variation of order*

- 8 (1) If, on the application of the fines officer, it appears to the relevant court that P is failing or has failed to comply with a work order without reasonable excuse, the court must revoke the order.
- (2) If, on the application of the fines officer, it appears to the relevant court—
- (a) that P has failed to comply with a work order but has a reasonable excuse for the failure, or
  - (b) that, because of a change in circumstances since the order was made, P is unlikely to be able to comply with a work order,
- the court may revoke the order or postpone the specified date.
- (3) The relevant court may of its own motion revoke a work order if it appears to the court that, because of a change in circumstances since the order was made, P is unlikely to be able to comply with the order.
- (4) A work order may be revoked under any of sub-paragraphs (1) to (3), or varied under sub-paragraph (2), before the specified date (as well as on or after that date).
- (5) Regulations may provide for the fines officer to have the power to issue a summons for the purpose of ensuring that P attends the court to which an application has been made under sub-paragraph (1) or (2).

### *Allowing for work done*

- 9 (1) If it appears to the court revoking a work order under paragraph 8(1), (2) or (3) that P has performed at least one hour of unpaid work in accordance with the instructions of the fines officer, the court must by order specify the number of hours of work that have been performed; and for this purpose any fraction of an hour is to be disregarded.
- (2) Where the court has specified a number of hours under this paragraph, P's liability to pay the relevant sum is discharged to the extent of the prescribed hourly sum in respect of each hour.

### *Effect of revocation*

- 10 (1) Where a work order is revoked under paragraph 8(1), (2) or (3), immediate payment of the relevant sum (subject to any reduction under paragraph 9(2)) may be enforced against P.
- (2) Sub-paragraph (1) does not limit the court's power, on or after the revocation of the work order, to allow time for payment or to direct payment by instalments.

### *Order not directly enforceable*

- 11 The obligations of P under a work order are not enforceable against him except by virtue of paragraph 10(1).

### *Evidence of supervisor*

- 12 (1) This paragraph applies where—
- (a) it falls to a court to determine whether P has performed unpaid work in accordance with a work order, and

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- (b) the court is satisfied—
  - (i) that the supervisor is likely to be able to give evidence that may assist the court in determining that matter, and
  - (ii) that the supervisor will not voluntarily attend as a witness.
- (2) The court may issue a summons directed to that person requiring him to attend before the court at the time and place appointed in the summons to give evidence.

*Provision of information*

- 13 Regulations may—
- (a) require a work order to contain prescribed information,
  - (b) require the court making a work order to give a copy of the order to such persons as may be prescribed, and
  - (c) require the court revoking or varying a work order to give notice of the revocation or variation to such persons as may be prescribed.

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