

*Status: Point in time view as at 05/04/2004.*

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## SCHEDULES

VALID FROM 01/06/2004

### SCHEDULE 1

Section 4

#### CONSTITUTION AND PROCEDURE OF COURTS BOARDS

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VALID FROM 01/09/2004

### SCHEDULE 2

Section 6

#### ABOLITION OF MAGISTRATES' COURTS COMMITTEES: TRANSFERS

##### PART 1

##### PROPERTY TRANSFER SCHEMES

##### *Property transfer schemes: general*

- 1 (1) The Lord Chancellor may make a scheme or schemes for the transfer to him or another Minister of the Crown of any property, rights or liabilities—
- (a) to which magistrates' courts committees are entitled or subject immediately before the appointed day, or
  - (b) to which any of the persons specified in sub-paragraph (2) is entitled or subject immediately before the appointed day and which then subsist for the purposes of, or in connection with, or are otherwise attributable to, magistrates' courts.
- (2) The persons are—
- (a) an authority which is a responsible authority for the purposes of the Justices of the Peace Act 1997;
  - (b) the Receiver for the Metropolitan Police District;
  - (c) the council of an outer London borough;
  - (d) the Common Council of the City of London;
  - (e) a police authority established under section 3 of the Police Act 1996;
  - (f) a local probation board;
  - (g) any other body which acts under any enactment or instrument for public purposes and not for its own profit.

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- (3) Without prejudice to the generality of paragraph (b) of sub-paragraph (1), any property, rights or liabilities are to be treated as falling within that paragraph if the Lord Chancellor issues a certificate to that effect.
- (4) In this Schedule “property transfer scheme” means a scheme under sub-paragraph (1).
- (5) In this Part of this Schedule “the appointed day” means—
  - (a) in the case of the transfer of property, rights or liabilities to which magistrates' courts committees are entitled or subject, the day immediately before the abolition day;
  - (b) in any other case, the day specified in the scheme.
- (6) On the day which is the appointed day in relation to property, rights or liabilities to which provisions of a property transfer scheme apply, the property, rights and liabilities are transferred and vest in accordance with those provisions.
- (7) In this Schedule “the abolition day” means the day appointed under section 110(1) for the coming into force of section 6(1) (abolition of magistrates' courts committees).

*Property transfer schemes and terminated contracts of employment*

- 2 A property transfer scheme may not transfer rights or liabilities under a contract of employment, except where the rights or liabilities—
  - (a) are those to which a magistrates' courts committee is entitled or subject, and
  - (b) relate to a person whose contract of employment was terminated before the appointed day.

*Property transfer schemes: supplementary*

- 3 (1) A property transfer scheme may provide for the creation of rights, or the imposition of liabilities, in relation to property transferred by the scheme.
- (2) A property transfer scheme may provide for the apportionment or division of any property, rights or liabilities.
- (3) A property transfer scheme may—
  - (a) specify property, rights or liabilities to be transferred under or in accordance with the scheme, or
  - (b) provide for property, rights or liabilities to be transferred to be determined in accordance with the scheme.
- 4 (1) A property transfer scheme has effect in relation to the property, rights and liabilities to which it applies despite any provision (of whatever nature) which would otherwise prevent, penalise or restrict the transfer of any of the property, rights and liabilities.
- (2) A right of pre-emption, right of reverter or other similar right is not to operate or become exercisable as a result of a transfer under a property transfer scheme.
- (3) In the case of such a transfer, any such right has effect as if the transferee were the same person in law as the transferor and as if the transfer had not taken place.

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- 5 (1) Such compensation as is just is to be paid to a third party in respect of any right which would, apart from paragraph 4, have operated in favour of, or become exercisable by, him but which, in consequence of the operation of that paragraph, cannot subsequently operate in his favour or become exercisable by him.
- (2) Any compensation payable by virtue of sub-paragraph (1) is to be paid by the transferor, by the transferee or by both.
- (3) A property transfer scheme may provide for the determination of any disputes as to—
- (a) whether, and (if so) how much, compensation is payable by virtue of sub-paragraph (1), and
  - (b) the person to whom or by whom it is to be paid.
- (4) “Third party” means a person other than the transferor or the transferee.
- 6 Paragraphs 4 and 5 apply in relation to the creation of rights in relation to property as they apply in relation to a transfer of property; and references to the transferor and the transferee are to be read accordingly.
- 7 A certificate issued by the Lord Chancellor that any property, rights or liabilities have, or have not, been transferred under or in accordance with a property transfer scheme is conclusive evidence of the transfer, or of the fact that there has not been a transfer.

#### *Stamp duty*

- 8 (1) Stamp duty is not chargeable in respect of a transfer or grant effected under or in accordance with a property transfer scheme.
- (2) No instrument made or executed for the purposes of such a transfer or grant is to be treated as duly stamped unless—
- (a) it has, in accordance with section 12 of the Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with that duty or that it is duly stamped, or
  - (b) it is stamped with the duty to which it would be liable, apart from this paragraph.

#### *Supplementary provisions in property transfer scheme*

- 9 A property transfer scheme may make such supplemental, consequential or transitional provision for the purposes of, or in connection with, a transfer made by the scheme as the Lord Chancellor considers appropriate.

## **PART 2**

### **STAFF TRANSFERS**

#### *Interpretation*

- 10 In this Part of this Schedule—
- (a) “TUPE” means the Transfer of Undertakings (Protection of Employment) Regulations 1981 (S.I. 1981/1794),

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- (b) “the appointed day” means the day immediately before the abolition day,
- (c) references to a responsible authority are to an authority which is a responsible authority under the Justices of the Peace Act 1997,
- (d) references to a responsible authority’s relevant functions are to its functions under that Act, and
- (e) references to a transferred employee are to an employee transferred to the Lord Chancellor’s employment by virtue of paragraph 11 or 12.

*Application of TUPE*

- 11 For the purposes of TUPE—
- (a) the functions of each magistrates' courts committee are to be treated as transferred on the appointed day from the committee to the Lord Chancellor, and
  - (b) each such transfer is to be treated as the transfer of an undertaking.
- 12 (1) For the purposes of TUPE—
- (a) the relevant functions of each responsible authority are to be treated as transferred on the appointed day from the authority to the Lord Chancellor,
  - (b) each such transfer is to be treated as the transfer of an undertaking, and
  - (c) each person falling within sub-paragraph (2) (but no other person) is to be treated as employed in the undertaking immediately before the appointed day.
- (2) A person falls within this sub-paragraph if—
- (a) immediately before the appointed day he is employed by the responsible authority under a contract of employment,
  - (b) he spends a substantial part of his time on duties connected with the relevant functions of the authority, and
  - (c) the Lord Chancellor certifies that in his opinion it is expedient that the person be transferred to the Lord Chancellor’s employment.
- (3) Where TUPE applies by virtue of this paragraph, it applies as if regulation 5(4B) were omitted.
- 13 A reference in any enactment to a person appointed under section 2(1) includes a transferred employee.

*Restrictions on employment of aliens not to apply to transferred employees*

- 14 Nothing in—
- (a) section 3 of the Act of Settlement,
  - (b) section 6 of the Aliens Restriction (Amendment) Act 1919, or
  - (c) any rules prescribing requirements as to nationality which must be satisfied in the case of persons employed in a civil capacity under the Crown,
- applies to the employment of a transferred employee by the Lord Chancellor following his transfer by virtue of paragraph 11 or 12.

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### *Compensation for responsible authorities*

- 15 The Lord Chancellor may, to the extent he thinks fit, compensate a responsible authority in respect of costs incurred by the authority as a result of this Act in respect of a person who—
- (a) immediately before the appointed day is employed by the authority under a contract of employment, and
  - (b) spends part of his time on duties connected with the relevant functions of the authority,
- but who is not transferred to the Lord Chancellor's employment by virtue of paragraph 12.

## **PART 3**

### MISCELLANEOUS AND SUPPLEMENTARY

#### *Continuing provision of court-houses, accommodation etc.*

- 16 (1) The Lord Chancellor may by regulations provide that any petty sessional court-house or other accommodation specified in the regulations which immediately before the abolition day was being provided by—
- (a) the council of an outer London borough, or
  - (b) the Common Council of the City of London,
- pursuant to regulations made under paragraph 35 of Schedule 14 to the Access to Justice Act 1999 shall on and after that day be provided by that council to the Lord Chancellor for the performance of his functions under section 3.
- (2) Regulations under sub-paragraph (1) may—
- (a) prescribe terms and conditions, including conditions as to payment, on which any court-house or other accommodation is to be provided, and
  - (b) prohibit a council providing a court-house or other accommodation under sub-paragraph (1) from altering or extending it without the consent of the Lord Chancellor.

#### *Assistance*

- 17 It is the duty of each magistrates' courts committee, and each person falling within paragraph 1(2) to provide the Lord Chancellor with such information or assistance as he may reasonably require for the purposes of, or in connection with—
- (a) the exercise of any powers exercisable by him in relation to a property transfer scheme, or
  - (b) Part 2 of this Schedule.

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VALID FROM 01/04/2005

## SCHEDULE 3

Section 45

### PRE-TRIAL HEARINGS IN MAGISTRATES' COURTS

After section 8 of the 1980 Act, insert—

#### *“Pre-trial hearings*

#### **8A Power to make rulings at pre-trial hearing**

- (1) For the purposes of this section a hearing is a pre-trial hearing if—
  - (a) it relates to an information—
    - (i) which is to be tried summarily, and
    - (ii) to which the accused has pleaded not guilty, and
  - (b) it takes place before the start of the trial.
- (2) For the purposes of subsection (1)(b), the start of a summary trial occurs when the court begins—
  - (a) to hear evidence from the prosecution at the trial, or
  - (b) to consider whether to exercise its power under section 37(3) of the Mental Health Act 1983 (power to make hospital order without convicting the accused).
- (3) At a pre-trial hearing, a magistrates' court may make a ruling as to any matter mentioned in subsection (4) if—
  - (a) the condition in subsection (5) is met,
  - (b) the court has given the parties an opportunity to be heard, and
  - (c) it appears to the court that it is in the interests of justice to make the ruling.
- (4) The matters are—
  - (a) any question as to the admissibility of evidence;
  - (b) any other question of law relating to the case.
- (5) The condition is that, if the accused is not legally represented, the court must—
  - (a) ask whether he wishes to be granted a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service, and
  - (b) if he does, decide whether or not to grant him that right.
- (6) A ruling may be made under this section—
  - (a) on an application by a party to the case, or
  - (b) of the court's own motion.
- (7) For the purposes of this section and section 8B, references to the prosecutor are to any person acting as prosecutor, whether an individual or body.

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### **8B Effect of rulings at pre-trial hearing**

- (1) Subject to subsections (3) and (6), a ruling under section 8A has binding effect from the time it is made until the case against the accused or, if there is more than one, against each of them, is disposed of.
- (2) The case against an accused is disposed of if—
  - (a) he is acquitted or convicted,
  - (b) the prosecutor decides not to proceed with the case against him, or
  - (c) the information is dismissed.
- (3) A magistrates' court may discharge or vary (or further vary) a ruling under section 8A if—
  - (a) the condition in section 8A(5) is met,
  - (b) the court has given the parties an opportunity to be heard, and
  - (c) it appears to the court that it is in the interests of justice to do so.
- (4) The court may act under subsection (3)—
  - (a) on an application by a party to the case, or
  - (b) of its own motion.
- (5) No application may be made under subsection (4)(a) unless there has been a material change of circumstances since the ruling was made or, if a previous application has been made, since the application (or last application) was made.
- (6) A ruling under section 8A is discharged in relation to an accused if—
  - (a) the magistrates' court commits or sends him to the Crown Court for trial for the offence charged in the information, or
  - (b) a count charging him with the offence is included in an indictment by virtue of section 40 of the Criminal Justice Act 1988.

### **8C Restrictions on reporting**

- (1) Except as provided by this section no report of matters falling within subsection (2) may be published in England and Wales.
- (2) The following matters fall within this subsection—
  - (a) a ruling under section 8A;
  - (b) proceedings on an application for a ruling under section 8A;
  - (c) an order under section 8B that a ruling under section 8A be discharged, varied or further varied;
  - (d) proceedings on an application under section 8B for a ruling under section 8A to be discharged, varied or further varied.
- (3) A magistrates' court dealing with any matter falling within subsection (2) may order that subsection (1) does not apply, or does not apply to a specified extent, to a report of the matter.
- (4) Where there is only one accused and he objects to the making of an order under subsection (3)—
  - (a) the court may make the order if (and only if) satisfied after hearing the representations of the accused that it is in the interests of justice to do so, and

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- (b) if the order is made, it shall not apply to the extent that a report deals with any such objection or representations.
- (5) Where there are two or more accused and one or more of them objects to the making of an order under subsection (3)—
  - (a) the court may make the order if (and only if) satisfied after hearing the representations of each of the accused that it is in the interests of justice to do so, and
  - (b) if the order is made, it shall not apply to the extent that a report deals with any such objection or representations.
- (6) Subsection (1) does not apply to the publication of a report of matters after the case against the accused or, if more than one, against each of them, is disposed of.
- (7) Subsection (1) does not apply to a report which contains only one or more of the following matters—
  - (a) the identity of the court and the names of the justices;
  - (b) the names, ages, home addresses and occupations of the accused and witnesses;
  - (c) the offence or offences, or a summary of them, with which the accused or any of the accused are charged;
  - (d) the names of counsel and solicitors in the proceedings;
  - (e) where the proceedings are adjourned, the date and place to which they are adjourned;
  - (f) any arrangements as to bail;
  - (g) whether a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service was granted to the accused or any of the accused.
- (8) The addresses that may be included in a report by virtue of subsection (7) are addresses—
  - (a) at any relevant time, and
  - (b) at the time of their inclusion in the publication.
- (9) In subsection (8), “relevant time” means a time when events giving rise to the charges to which the proceedings relate are alleged to have occurred.
- (10) Nothing in this section affects any prohibition or restriction imposed by virtue of any other enactment on the publication of a report of any matter.
- (11) In this section and in section 8D—
  - (a) references to publication of a report of matters falling within subsection (2) —
    - (i) include references to inclusion of those matters in any speech, writing, relevant programme or other communication in whatever form which is addressed to the public at large or any section of the public (and for this purpose every relevant programme is to be taken to be so addressed), but
    - (ii) do not include references to inclusion of those matters in a document prepared for use in particular legal proceedings;
  - (b) “relevant programme” means a programme included in a programme service, within the meaning of the Broadcasting Act 1990.



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## 8D Offences in connection with reporting

- (1) If a report is published in contravention of section 8C each of the following persons is guilty of an offence—
  - (a) in the case of a publication of a report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;
  - (b) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper;
  - (c) in the case of any other publication, any person publishing it.
- (2) If an offence under this section committed by a body corporate is proved—
  - (a) to have been committed with the consent or connivance of, or
  - (b) to be attributable to any neglect on the part of,an officer, the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (3) In subsection (2), “officer” means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.
- (4) If the affairs of a body corporate are managed by its members, “director” in subsection (3) means a member of that body.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.
- (6) Proceedings for an offence under this section may not be instituted otherwise than by or with the consent of the Attorney General.”

VALID FROM 01/04/2007

## [F2]SCHEDULE 3A

Section 61A

### FURTHER PROVISION ABOUT THE INSPECTORS OF COURT ADMINISTRATION

#### Textual Amendments

- F2** Sch. 3A inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. **32(2)**, 53(1)(a); S.I. 2007/709, **art. 3(m)** (subject to arts. 6, 7)

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

- C1** Sch. 3A modified (temp.) (1.10.2008) by [The Health and Social Care Act 2008 \(Consequential Amendments and Transitory Provisions\) Order \(S.I. 2008/2250\)](#), {art. 3(11)}

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PROSPECTIVE

## X<sup>1</sup>SCHEDULE 4

Section 65

### FURTHER FUNCTIONS CONFERRED ON DISTRICT JUDGES (MAGISTRATES' COURTS)

#### Editorial Information

- X1** Editorial note: In the absence of an express authority to bring into force Sch. 4 by [The Courts Act 2003 \(Commencement No. 10\) Order 2005 \(S.I. 2005/910\)](#), we have concluded that Sch. 4 is not yet in force (notwithstanding the commencement of s. 65 by art. 3(u) of said Order).

#### *Criminal Justice Act 1967 (c. 80)*

- 1 In section 9(5) (requirement for author of written statement to give evidence in person), for “by a puisne judge of the High Court, a Circuit judge or Recorder sitting alone” substitute “by any of the following sitting alone—
- (a) a puisne judge of the High Court;
  - (b) a Circuit judge;
  - (c) a District Judge (Magistrates' Courts);
  - (d) a Recorder.”

#### *Taxes Management Act 1970 (c. 9)*

- 2 In—
- (a) section 20D(1)(a) (meaning of “the appropriate judicial authority” in relation to England and Wales), and
  - (b) paragraph 9(2)(a) of Schedule 1AA (sanction for failure to comply with order under section 20BA),
- after “Circuit judge” insert “ or a District Judge (Magistrates' Courts) ”.

#### *Juries Act 1974 (c. 23)*

- 3 In section 9B, for subsection (3) (meaning of “the judge” for purposes of discharge of person incapable of acting effectively as juror) substitute—
- “(3) In this section and section 10 “the judge” means—
- (a) a judge of the High Court,
  - (b) a Circuit judge,
  - (c) a District Judge (Magistrates' Courts), or
  - (d) a Recorder.”

- 4 In section 10 (discharge of summons in case of doubt as to capacity to act effectively as juror) omit “and for this purpose “the judge” means any judge of the High Court or any Circuit judge or Recorder”.

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*Police and Criminal Evidence Act 1984 (c. 60)*

- 5 In section 9(2A) (application of enactments relating to execution of process in Scotland or Northern Ireland to processes issued by a Circuit judge under Schedule 1 to 1984 Act), for “circuit judge” substitute “judge”.
- 6 (1) In Schedule 1 (applications for access to excluded or special procedure material) for “circuit judge”, in each place, substitute “judge”.
- (2) After paragraph 16 insert—

*“Interpretation*

- 17 In this Schedule “judge” means a Circuit judge or a District Judge (Magistrates' Courts).”

*Computer Misuse Act 1990 (c. 18)*

F37 .....

**Textual Amendments**

- F3** Sch. 4 para. 7 repealed (1.10.2008) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53(1)(b), [Sch. 15 Pt. 4](#); [S.I. 2008/2503](#), [art. 2\(d\)\(ii\)](#)

*Data Protection Act 1998 (c. 29)*

- 8 In Schedule 9 (powers of entry and inspection) in paragraph 1(1) after “circuit judge” insert “ or a District Judge (Magistrates' Courts) ”.

*Terrorism Act 2000 (c. 11)*

- 9 In Schedule 5 (terrorist investigations: information)—
- (a) in paragraphs 5(1) and (5), 6(1), 10(1), 11(1), 12(1) and (2) and 13(1), after “Circuit judge” insert “ or a District Judge (Magistrates' Courts) ”, and
- (b) in paragraphs 5(4)(a) and 7(1)(b), after “Circuit judge” insert “ or the District Judge (Magistrates' Courts) ”.
- 10 In Schedule 6 (financial information), in paragraph 3(a), after “Circuit judge” insert “ or a District Judge (Magistrates' Courts) ”.
- 11 In Schedule 6A (account monitoring orders), in paragraph 1(2)(a), for “a Circuit judge,” substitute “ a Circuit judge or a District Judge (Magistrates' Courts), ”.

*Regulation of Investigatory Powers Act 2000 (c. 23)*

- 12 In Schedule 2 (persons who have the appropriate permission), in paragraph 1(1) (a), after “Circuit judge” insert “ or a District Judge (Magistrates' Courts) ”.

*Freedom of Information Act 2000 (c. 36)*

- 13 In Schedule 3 (powers of entry and inspection), in paragraph 1(1), after “Circuit judge” insert “ or a District Judge (Magistrates' Courts) ”.

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*International Criminal Court Act 2001 (c. 17)*

- 14 In Schedule 5 (investigation of proceeds of ICC crime) in paragraphs 1(1) and 8 for “a Circuit judge or, in Northern Ireland, a county court judge” substitute
- “(a) a Circuit judge or a District Judge (Magistrates' Courts), or  
(b) in Northern Ireland, a county court judge.”.

*Armed Forces Act 2001 (c. 19)*

- 15 In section 6(2)(a) (applications for access to excluded or special procedure material), for “circuit judges” substitute “judges”.

SCHEDULE 5

Section 97(1)

COLLECTION OF FINES

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

- C2** 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](#))
- C3** 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](#))

**PART 1**

INTRODUCTORY

*Application of Schedule*

- 1 (1) This Schedule applies if a person aged 18 or over (“P”) is liable to pay a sum which—
- (a) consists of or includes a fine, and
- (b) 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 sub-paragraph (1)(a) “fine” does not include any pecuniary forfeiture or pecuniary compensation payable on conviction.

**Commencement Information**

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

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### *Meaning of “the sum due”*

- 2 In this Schedule “the sum due” means the sum adjudged to be paid as mentioned in paragraph 1(1).

#### **Commencement Information**

- I2** Sch. 5 para. 2 wholly in force at 5.4.2004; Sch. 5 para. 2 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 2 in force for certain purposes at 23.2.2004 by S.I. 2004/174, art. 4(a); Sch. 5 para. 2 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, art. 4(b); Sch. 5 para. 2 in force for all purposes at 5.4.2004 by S.I. 2004/174, art. 4(c)

### *Meaning of “existing defaulter” etc.*

- 3 (1) For the purposes of this Schedule, P is an existing defaulter if it is shown that—
- (a) he was required to pay the sum due immediately but failed to do so,
  - (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 1(1), or
  - (d) he is in default in payment of another sum falling within paragraph 1(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) In sub-paragraph (1)(a) “immediately” means, where P is informed of his liability to pay the sum due in a notice, within the period specified in the notice.
- (6) The period so specified must be a period which—
- (a) is not longer than 10 working days, and
  - (b) begins with the date of the notice.
- (7) “Collection order” means an order made under Part 4 of this Schedule.

#### **Commencement Information**

- I3** 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

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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\(c\)](#)

## PART 2

### IMMEDIATE PAYMENT OF FINES: DISCOUNTS

#### *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.

#### **Commencement Information**

- I4** Sch. 5 para. 4 wholly in force at 5.4.2004; Sch. 5 para. 4 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 4 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 4 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 4 in force for all purposes 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

#### *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.

#### **Commencement Information**

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

#### *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.

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- (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.

**Commencement Information**

- I6** Sch. 5 para. 6 wholly in force at 5.4.2004; Sch. 5 para. 6 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 6 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 6 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 6 in force for all purposes 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

**PART 3**

ATTACHMENT OF EARNINGS ORDERS AND APPLICATIONS FOR BENEFIT DEDUCTIONS

*Application of Part*

- 7 (1) This Part applies if—
- (a) the court which is imposing the liability to pay the sum due concludes that P should not be required to pay the sum due immediately, or
  - (b) P was required to pay the sum due immediately but failed to do so.
- (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) if sub-paragraph (1)(b) applies, the magistrates' court responsible for enforcing payment of the sum due.

**Commencement Information**

- I7** 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\(c\)](#)

VALID FROM 03/07/2006

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

- [<sup>F4</sup>7A (1) This paragraph applies if the sum due (1) consists of or includes a sum required to be paid by a compensation 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.

*Status: Point in time view as at 05/04/2004.*

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- (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

- F4** Sch. 5 para. 7A inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **11**

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

- 8
- (1) This paragraph applies if 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.

#### Commencement Information

- I8** 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
- (1) This paragraph applies if 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.



*Status: Point in time view as at 05/04/2004.*

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### Commencement Information

- I9** 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\(c\)](#)

VALID FROM 03/11/2008

### *f<sup>5</sup> Disclosure of information in connection with application for benefit deductions*

#### Textual Amendments

- F5** 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)

- 9A** (1) The designated officer for a magistrates' court may make an information request to the Secretary of State for the purpose of facilitating the making of a decision by the court as to whether it is practicable or appropriate to make an application for benefit deductions in respect of P.
- (2) An information request is a request for the disclosure of some or all of the following information—
- (a) P's full name;
  - (b) P's address (or any of P's addresses);
  - (c) P's date of birth;
  - (d) P's national insurance number;
  - (e) P's benefit status.
- (3) On receiving an information request, the Secretary of State may disclose the information requested to—
- (a) the officer who made the request, or
  - (b) a justices' clerk specified in the request.

VALID FROM 03/11/2008

### *Restrictions on disclosure*

- 9B** (1) A person to whom information is disclosed under paragraph 9A(3), or this subparagraph, may disclose the information to any person to whom its disclosure is necessary or expedient in connection with facilitating the making of a decision by the court as to whether it is practicable or appropriate to make an application for benefit deductions in respect of P.
- (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 as is mentioned in that sub-paragraph.
- (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 or for the purposes of any proceedings before a court; or
  - (b) to disclose 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 liable on summary conviction to a fine not exceeding level 4 on the standard scale.

VALID FROM 03/11/2008

*Paragraphs 9A and 9B: supplementary*

- 9C (1) This paragraph applies for the purposes of paragraphs 9A and 9B.
- (2) “Benefit status”, in relation to P, means whether or not P is in receipt of any prescribed benefit or benefits and, if so (in the case of each benefit)—
- (a) which benefit it is,
  - (b) where it is already subject to deductions under any enactment, the nature of the deductions concerned, and
  - (c) the amount received by P by way of the benefit, after allowing for any such deductions.
- (3) “Information” means information held in any form.
- (4) “Prescribed” means prescribed by regulations made by the Lord Chancellor.
- (5) Nothing in paragraph 9A or 9B authorises the making of a disclosure which contravenes the Data Protection Act 1998.]

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

- 10 In this Schedule—
- (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 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.

**Commencement Information**

- 110** 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

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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)

## PART 4

### MAKING OF COLLECTION ORDERS

#### *Application of Part*

- 11 (1) This Part applies if—
- (a) the court imposing the liability to pay the sum due concludes that P should not be required to pay the sum due immediately, or
  - (b) P was required to pay the sum due immediately but failed to do so;
- (and it applies whether or not the relevant court has made an attachment of earnings order or 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.

#### **Commencement Information**

**111** 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**

**112** 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—

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- (a) state the amount of the sum due, the amount of the fine and 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.

#### Commencement Information

**I13** 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

**I14** 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 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, 35, 36 and 39) are to have effect if the attachment of earnings order or application for benefit deductions fails.

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#### Commencement Information

**I15** 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

**I16** 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.

#### Commencement Information

**I17** 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)

## PART 5

### DISCOUNT WHERE COLLECTION ORDER MADE

#### *Application of Part*

- 18 This Part applies if—
- (a) a collection order has been made in respect of the sum due, and

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- (b) the order states that P is not an existing defaulter or, if he is, that his existing default (or defaults) can be disregarded.

**Commencement Information**

**I18** Sch. 5 para. 18 wholly in force at 5.4.2004; Sch. 5 para. 18 not in force at Royal Assent see s. 110(1) (2); Sch. 5 para. 18 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 18 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 18 in force for all purposes 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

*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.

**Commencement Information**

**I19** Sch. 5 para. 19 wholly in force at 5.4.2004; Sch. 5 para. 19 not in force at Royal Assent see s. 110(1) (2); Sch. 5 para. 19 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 19 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 19 in force for all purposes 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

*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.

**Commencement Information**

**I20** Sch. 5 para. 20 wholly in force at 5.4.2004; Sch. 5 para. 20 not in force at Royal Assent see s. 110(1) (2); Sch. 5 para. 20 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 20 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 20 in force for all purposes 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

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## PART 6

### VARIATION OF COLLECTION ORDERS CONTAINING PAYMENT TERMS

#### *Application of Part*

- 21 This Part applies if the court has made a collection order and the order contains payment terms.

#### **Commencement Information**

- I21** Sch. 5 para. 21 wholly in force at 5.4.2004; Sch. 5 para. 21 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 21 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 21 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 21 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

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

- 22 (1) P may, at any time—
- (a) after the collection order is made and before Part 7 applies, and
  - (b) when he is not in default on the order,
- apply to the fines officer under this paragraph.
- (2) P may apply 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 in P's favour, or
  - (b) not to vary them.
- (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.
- (7) The reserve terms must not be less favourable to P than the payment terms.
- (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.

#### Commencement Information

**I22** 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—
- confirm or vary the payment terms (or the reserve terms),
  - 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
  - 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

**I23** 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—
- 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
  - 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—
- the number of instalments payable;
  - the amount of any instalment;



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(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

**I24** 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\(c\)](#)

VALID FROM 03/07/2006

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

[<sup>F6</sup>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.]

#### Textual Amendments

**F6** Sch. 5 para. 24A inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 18

## 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

**I25** 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**

**I26** 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 (1) This paragraph applies if—
- (a) an attachment of earnings order, or
  - (b) an application for benefit deductions, made under paragraph 26 fails.
- (2) This paragraph also applies if the fines officer does not make—
- (a) an attachment of earnings order, or
  - (b) an application for benefit deductions, under paragraph 26.
- (3) An increase is imposed on the fine 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 on his conviction.
- (6) But the liability to pay the part of the fine representing the increase—
- (a) ranks after the liability to pay any other part of the sum due, and
  - (b) is subject to paragraphs 35(6) and 39(2) (liability to increase extinguished in cases of subsequent compliance).

**Commencement Information**

**I27** 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

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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 If an increase is imposed, the fines officer must deliver a notice to P (an “increase notice”)—
- (a) informing P of the increase, and
  - (b) requiring P, within 10 working days from the date of the notice, to contact the fines officer, in person or in writing, with a view to reviewing the position.

**Commencement Information**

**I28** 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 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)

**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**

**I29** 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.

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#### Commencement Information

**I30** 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 (1) P may, at any time—
- (a) after the date of a payment notice under paragraph 30 and before an increase is imposed under paragraph 33, and
  - (b) when he is not in default on the collection order,
- 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—
- (a) to vary the reserve terms in P's favour, or
  - (b) not to vary them.
- (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.

#### Commencement Information

**I31** 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.

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#### Commencement Information

**I32** 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\(c\)](#)

#### *Increase in fine on first default*

- 33 (1) This paragraph applies on the first occasion on which P is in default on the collection order and none of the following is pending—
- (a) an application under paragraph 31(1) (application to fines officer for variation of reserve terms);
  - (b) an appeal under paragraph 32(1) (appeal against decision of fines officer);
  - (c) a reference under paragraph 42 (power of fines officer to refer case to magistrates' court).
- (2) An increase is imposed on the fine which is the subject of the order.
- (3) 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.
- (4) The increase is given effect by treating it as part of the fine imposed on P on his conviction.
- (5) But the liability to pay the part of the fine representing the increase—
- (a) ranks after the liability to pay any other part of the sum due, and
  - (b) is subject to paragraphs 35(6) and 39(2) (liability to increase extinguished in cases of subsequent compliance).

#### Commencement Information

**I33** Sch. 5 para. 33 wholly in force at 5.4.2004; Sch. 5 para. 33 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 33 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 33 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 33 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

#### *Notice of increase etc.*

- 34 If an increase is imposed the fines officer must deliver a notice to P (an “increase notice”)—
- (a) informing P of the increase, and
  - (b) requiring P, within 10 working days from the date of the notice, to contact the fines officer, in person or in writing, with a view to reviewing the position.

*Status: Point in time view as at 05/04/2004.*

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#### Commencement Information

**I34** Sch. 5 para. 34 wholly in force at 5.4.2004; Sch. 5 para. 34 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 34 in force for certain purposes at 23.2.2004 by S.I. 2004/174, art. 4(a); Sch. 5 para. 34 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, art. 4(b); Sch. 5 para. 34 in force for all purposes at 5.4.2004 by S.I. 2004/174, art. 4(c)

## PART 9

### OPERATION OF COLLECTION ORDERS AFTER INCREASE IMPOSED

#### *Effect of compliance with requirement to contact fines officer*

- 35 (1) This paragraph applies if P contacts the fines officer as required by an increase notice under paragraph 28 or 34.
- (2) The fines officer may decide—
- (a) to vary the payment terms (or the reserve terms) in P’s favour, or
  - (b) not to vary them.
- (3) A decision of the fines officer under sub-paragraph (2) must be in writing, dated and delivered to P.
- (4) P may, within 10 working days from the date of the decision under sub-paragraph (2), appeal to the magistrates' court against the decision.
- (5) Subject to paragraph 39 (powers of court after increase), the effect of a decision under sub-paragraph (2)(a) is to vary the payment terms (or the reserve terms).
- (6) If, after the payment terms (or the reserve terms) are varied under sub-paragraph (2) (a), all amounts due under the order, other than the part of the fine representing the increase, are paid without P being in further default on the order, P’s liability to pay that part is extinguished.

#### Commencement Information

**I35** Sch. 5 para. 35 wholly in force at 5.4.2004; Sch. 5 para. 35 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 35 in force for certain purposes at 23.2.2004 by S.I. 2004/174, art. 4(a); Sch. 5 para. 35 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, art. 4(b); Sch. 5 para. 35 in force for all purposes at 5.4.2004 by S.I. 2004/174, art. 4(c)

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

- 36 (1) P may, at any time—
- (a) after a relevant variation of the payment terms (or the reserve terms) and before paragraph 37 applies in relation to him, and
  - (b) when he is not in default on the collection order,
- apply to the fines officer for those terms to be further varied.

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- (2) “Relevant variation of the payment terms (or the reserve terms)” means—
  - (a) a variation under paragraph 35(2)(a) (variation in P’s favour following increase), or
  - (b) a variation under paragraph 39(3)(a) (variation by court).
- (3) No application may be made under sub-paragraph (1) unless—
  - (a) there has been a material change in P’s circumstances since—
    - (i) the relevant variation, or
    - (ii) the last variation under this paragraph, or
  - (b) P is making further information about his circumstances available.
- (4) On such an application being made, the fines officer may decide—
  - (a) to vary the payment terms (or the reserve terms) in P’s favour, or
  - (b) not to vary them.
- (5) A decision of the fines officer under this paragraph must be in writing, dated and delivered to P.
- (6) P may, within 10 working days from the date of a decision under sub-paragraph (4), appeal to the magistrates' court against the decision.
- (7) Subject to paragraph 39, the effect of a decision under sub-paragraph (4)(a) is to vary the payment terms (or the reserve terms).

#### **Commencement Information**

**I36** Sch. 5 para. 36 wholly in force at 5.4.2004; Sch. 5 para. 36 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 36 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 36 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 36 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

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

- 37
- (1) This paragraph applies if P fails to contact the fines officer as required by an increase notice under paragraph 28 or 34.
  - (2) This paragraph also applies if—
    - (a) P contacts the fines officer as required by an increase notice under paragraph 28 or 34,
    - (b) the fines officer decides under paragraph 35(2) not to vary the payment terms (or the reserve terms), and
    - (c) no appeal under paragraph 35(4) (appeal against decision about variation following increase) is pending.
  - (3) This paragraph also applies if after the increase is imposed—
    - (a) there is a relevant variation of the payment terms (or the reserve terms),
    - (b) no relevant appeal is pending,
    - (c) no application under paragraph 36(1) (application for further variation in P’s favour) is pending, and

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- (d) no reference under paragraph 42 (power of fines officer to refer case to magistrates' court) is pending,  
 but P is again in default on the order.
- (4) “Relevant variation of the payment terms (or the reserve terms)” has the same meaning as in paragraph 36.
- (5) “Relevant appeal” means an appeal under—
- (a) paragraph 35(4) (appeal against decision whether to vary following increase), or
  - (b) paragraph 36(6) (appeal against decision on application for further variation).
- (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 intends 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.

#### **Commencement Information**

**I37** 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\(c\)](#)

#### *The range of further steps available against defaulters*

- 38 (1) The steps referred to in paragraphs 37(6)(b) and 39(3) and (4) (powers to take further steps) are—
- (a) issuing a warrant of distress for the purpose of levying 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;
  - (e) taking any other step permitted under provisions of fines collection regulations which apply any other enforcement power of a magistrates' court (with or without modifications).
- (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.

#### Commencement Information

**I38** 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 after increase*

- 39 (1) This paragraph applies if the magistrates' court is hearing P's case following—
- (a) an appeal under paragraph 35(4) or 36(6) (appeals against decisions about variation following increase),
  - (b) a referral under paragraph 37(6)(a) (functions of fines officer in relation to defaulters), or
  - (c) an appeal under paragraph 37(9) (appeal against a further steps notice).
- (2) If the magistrates' court is satisfied that the circumstances of P's case are exceptional, it may make an order that if, after the making of the order, all amounts due under the collection order, other than the part of the fine representing the increase, are paid without P being in further default on the order, P's liability to pay that part is extinguished.
- (3) On an appeal or referral falling within sub-paragraph (1)(a) or (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.
- (4) On an appeal against a further steps 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.

#### Commencement Information

**I39** 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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*Implementation of further steps notice*

- 40 If—
- (a) P does not appeal within 10 working days against a further steps notice, or
  - (b) he does so but the further steps notice is confirmed or varied,
- any step specified in the notice (or the notice as varied) may be taken.

**Commencement Information**

**I40** 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\(c\)](#)

*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**

**I41** 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—
- (a) confirm or vary the payment terms (or the reserve terms),
  - (b) discharge the order and exercise any of its standard powers in respect of persons liable to pay fines, or

*Status: Point in time view as at 05/04/2004.*

*Changes to legislation: Courts Act 2003 is up to date with all changes known to be in force on or before 24 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)*

- (c) to the extent permitted by fines collection regulations, exercise a power it could exercise under any other paragraph.
- (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.

#### Commencement Information

**I42** 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\(c\)](#)

VALID FROM 03/07/2006

#### *Increase in fine by court*

[<sup>F7</sup>42A(1) 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

**F7** Sch. 5 para. 42A inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, [29](#)

## 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.

*Status: Point in time view as at 05/04/2004.*

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#### Commencement Information

**I43** 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 1(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.

#### Commencement Information

**I44** 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

**I45** 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;
  - (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—

*Status: Point in time view as at 05/04/2004.*

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- (a) which displays a current disabled person's 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.

**Commencement Information**

**I46** 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\(c\)](#)

- 47 Fines collection regulations may make provision relating to cases where a person who is subject to a collection order changes his place of residence.

**Commencement Information**

**I47** 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 his financial circumstances 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 statement of his financial circumstances to a fines officer in response to 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.

*Status: Point in time view as at 05/04/2004.*

*Changes to legislation: Courts Act 2003 is up to date with all changes known to be in force on or before 24 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)*

- (5) A relevant request is a request for information about P’s financial circumstances 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.

**Commencement Information**

**I48** 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 after increase).
- (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.

**Commencement Information**

**I49** 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\(c\)](#)

*Meaning of “standard powers in respect of persons liable to pay fines”*

- 50 In this Schedule “standard powers in respect of persons liable to pay fines” means any power—
- (a) 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, and
  - (b) which fines collection regulations apply (with or without modifications) for the purposes of this Schedule.

*Status: Point in time view as at 05/04/2004.*

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#### Commencement Information

**I50** 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 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

**I51** 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

**I52** 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

**I53** 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\(c\)](#)

*Status: Point in time view as at 05/04/2004.*

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VALID FROM 01/05/2004

## SCHEDULE 6

Section 97(2)

### DISCHARGE OF FINES BY UNPAID WORK

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

- C4** 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\(f\)](#)
- C5** Sch. 6 restricted (prosp.) by [Education and Skills Act 2008 \(c. 25\)](#), [ss. 56-58](#), 173(4)

## SCHEDULE 7

Section 99

### HIGH COURT WRITS OF EXECUTION

#### ENFORCEMENT OFFICERS: GENERAL

##### *Districts for writs of execution enforced by enforcement officers*

- 1 (1) England and Wales is to be divided into districts for the purposes of this Schedule.
- (2) The districts are to be those specified in regulations made under paragraph 12.

##### *Enforcement officers: authorisation and assignment to districts*

- 2 (1) An enforcement officer is an individual who is authorised to act as such by the Lord Chancellor or a person acting on his behalf.
- (2) The Lord Chancellor or a person acting on his behalf must assign at least one enforcement officer to each district.
- (3) The Lord Chancellor or a person acting on his behalf may—
- (a) assign an enforcement officer to more than one district, and
  - (b) change any assignment of an enforcement officer so that he is assigned to a different district or to different districts.

##### *Direction of writs of execution to enforcement officers*

- 3 (1) A writ of execution issued from the High Court may be directed—
- (a) if only one enforcement officer is assigned to the district in which the writ is to be executed, to that officer,
  - (b) if two or more enforcement officers are assigned to that district, to those officers collectively, or



*Status: Point in time view as at 05/04/2004.*

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- (c) to a named enforcement officer who, whether or not assigned to that district, has undertaken to execute the writ.
- (2) In this paragraph “writ of execution” does not include—
  - (a) a writ of sequestration, or
  - (b) a writ relating to ecclesiastical property.

VALID FROM 01/04/2008

*[<sup>F8</sup>Issue of certain warrants to enforcement officers*

**Textual Amendments**

**F8** Sch. 7 para. 3A and cross heading inserted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. {140(2)}, 148(5); S.I. 2007/2709, art. 5(a)

- 3A (1) Sub-paragraph (2) applies for the purpose of identifying the enforcement officer to whom a warrant may be issued under—
- (a) section 91(1) of the Lands Clauses Consolidation Act 1845 (proceedings in case of refusal to deliver possession of lands), or
  - (b) section 13(1) of the Compulsory Purchase Act 1965 (refusal to give possession to acquiring authority).
- (2) The enforcement officer, in relation to such a warrant, is—
- (a) the enforcement officer assigned to a relevant district or, if two or more enforcement officers are assigned to that district, those officers collectively, or
  - (b) a named enforcement officer who, whether or not assigned to a relevant district, has undertaken to execute the warrant.
- (3) In sub-paragraph (2), “a relevant district”, in relation to a warrant, means—
- (a) the district where the land in respect of which the warrant was issued is situated, or
  - (b) if that land (being land in one ownership) is not situated wholly in one district, a district where any part of that land is situated.]

*Enforcement officers to have traditional powers etc. of sheriff*

- 4 (1) This paragraph applies in relation to writs directed to one or more enforcement officers under paragraph 3.
- (2) The relevant officer has, in relation to the writ, the duties, powers, rights, privileges and liabilities that a sheriff of a county would have had at common law if—
- (a) the writ had been directed to him, and
  - (b) the district in which it is to be executed had been within his county.
- (3) “The relevant officer” means—

*Status: Point in time view as at 05/04/2004.*

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- (a) if the writ is directed to a single enforcement officer under paragraph 3(1)(a) or (c), that officer;
  - (b) if the writ is directed to two or more enforcement officers collectively under paragraph 3(1)(b), the officer to whom, in accordance with approved arrangements, the execution of the writ is allocated.
- (4) Sub-paragraph (2) applies to a person acting under the authority of the relevant officer as it applies to the relevant officer.
- (5) In this Schedule “approved arrangements” means arrangements approved by the Lord Chancellor or a person acting on his behalf.

*Constable’s duty to assist enforcement officers*

- 5 It is the duty of every constable, at the request of—
- (a) an enforcement officer, or
  - (b) a person acting under the officer’s authority,
- to assist the officer or that person in the execution of a writ.

**WRITS OF EXECUTION AGAINST GOODS**

*Application of paragraphs 7 to 11*

- 6 Paragraphs 7 to 11 apply to any writ of execution against goods which is issued from the High Court.

*Endorsement of writ with date and time of receipt*

- 7 (1) If the writ is directed to a single enforcement officer under paragraph 3(1)(a) or (c), that officer must endorse it as soon as possible after receiving it.
- (2) If the writ is directed to two or more enforcement officers collectively under paragraph 3(1)(b), the individual who, in accordance with approved arrangements, is responsible for allocating its execution to one of those officers, must endorse it as soon as possible after receiving it.
- (3) If the writ is directed to a person who is not an enforcement officer but is under a duty to execute it, that person must endorse it as soon as possible after receiving it.
- (4) For the purposes of this paragraph, a person endorses a writ by endorsing on the back of it the date and time when he received it.
- (5) No fee may be charged for endorsing a writ under this paragraph.

*Effect of writ*

- 8 (1) Subject to sub-paragraph (2), the writ binds the property in the goods of the execution debtor from the time when the writ is received by the person who is under a duty to endorse it.
- (2) The writ does not prejudice the title to any goods of the execution debtor acquired by a person in good faith and for valuable consideration.

*Status: Point in time view as at 05/04/2004.*

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- (3) Sub-paragraph (2) does not apply if the person acquiring goods of the execution debtor had notice, at the time of the acquisition, that—
- (a) the writ, or
  - (b) any other writ by virtue of which the goods of the execution debtor might be seized or attached,
- had been received by the person who was under a duty to endorse it but had not been executed.
- (4) Sub-paragraph (2) does not apply if the person acquiring goods of the execution debtor had notice, at the time of the acquisition, that—
- (a) an application for the issue of a warrant of execution against the goods of the execution debtor had been made to the district judge of a county court, and
  - (b) the warrant issued on the application—
    - (i) remained unexecuted in the hands of the district judge of the court from which it was issued, or
    - (ii) had been sent for execution to, and received by, the district judge of another county court and remained unexecuted in the hands of that district judge.
- (5) In sub-paragraph (1) “property” means the general property in goods (and not merely a special property).
- (6) For the purposes of sub-paragraph (2) a thing shall be treated as done in good faith if it is in fact done honestly (whether it is done negligently or not).
- (7) Any reference in this paragraph to the goods of the execution debtor includes anything else of his that may lawfully be seized in execution.

#### *Seizure of goods*

- 9 (1) This paragraph applies where an enforcement officer or other person who is under a duty to execute the writ is executing it.
- (2) The officer may, by virtue of the writ, seize—
- (a) any goods of the execution debtor that are not exempt goods, and
  - (b) any money, banknotes, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to the execution debtor.
- (3) “Exempt goods” means—
- (a) such tools, books, vehicles and other items of equipment as are necessary to the execution debtor for use personally by him in his employment, business or vocation;
  - (b) such clothing, bedding, furniture, household equipment and provisions as are necessary for satisfying the basic domestic needs of the execution debtor and his family.

#### *Sale of goods seized*

- 10 (1) This paragraph applies if—
- (a) a writ of execution has been issued from the High Court,
  - (b) goods are seized under the writ by an enforcement officer or other person under a duty to execute it, and

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- (c) the goods are to be sold for a sum which, including legal incidental expenses, exceeds £20.
- (2) The sale must be—
  - (a) made by public auction, and not by bill of sale or private contract, unless the court otherwise orders, and
  - (b) publicly advertised on, and during the three days preceding, the day of sale.
- (3) If the person who seized the goods has notice of another execution or other executions, the court must not consider an application for leave to sell privately until the notice prescribed by Civil Procedure Rules has been given to the other execution creditor or creditors.
- (4) An execution creditor given notice under sub-paragraph (3) is entitled—
  - (a) to appear before the court, and
  - (b) to be heard on the application for the order.

*Protection of officers selling seized goods*

- 11 (1) This paragraph applies if—
- (a) a writ of execution has been issued from the High Court,
  - (b) goods in the possession of an execution debtor are seized by an enforcement officer or other person under a duty to execute the writ, and
  - (c) the goods are sold by that officer without any claims having been made to them.
- (2) If this paragraph applies—
- (a) the purchaser of the goods acquires a good title to them, and
  - (b) no person is entitled to recover against the officer or anyone acting under his authority—
    - (i) for any sale of the goods, or
    - (ii) for paying over the proceeds prior to the receipt of a claim to the goods,
 unless it is proved that the person from whom recovery is sought had notice, or might by making reasonable enquiry have ascertained, that the goods were not the property of the execution debtor.
- (3) Nothing in this paragraph affects the right of a lawful claimant to any remedy to which he is entitled against any person other than the enforcement officer or other officer charged with the execution of the writ.
- (4) “Lawful claimant” means a person who proves that at the time of sale he had a title to any goods seized and sold.
- (5) This paragraph is subject to sections 183, 184 and 346 of the Insolvency Act 1986.

*Status: Point in time view as at 05/04/2004.*

**Changes to legislation:** Courts Act 2003 is up to date with all changes known to be in force on or before 24 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)

## SUPPLEMENTARY

### Regulations

- 12 (1) The Lord Chancellor may make regulations for the purpose of giving effect to the provisions of this Schedule that relate to enforcement officers.
- (2) The regulations may, in particular, make provision as to—
- (a) conditions to be met by individuals seeking to be authorised to act as enforcement officers;
  - (b) the circumstances in which authorisations may be terminated;
  - (c) the procedures to be followed in relation to the assignment of enforcement officers or changes in their assignments;
  - (d) the publication of—
    - (i) lists of enforcement officers assigned to each district, and
    - (ii) addresses to which writs of execution issued from the High Court to enforcement officers may be sent.
- (3) Subject to paragraph 7(5) the regulations may make provision for the determination of fees that may be charged by enforcement officers.
- (4) Before making any regulations under this paragraph, the Lord Chancellor must consult—
- (a) the Lord Chief Justice,
  - (b) the Master of the Rolls,
  - (c) the President of the Family Division,
  - (d) the Vice-Chancellor, and
  - (e) the Head of Civil Justice.

#### Commencement Information

**I55** Sch. 7 para. 12 wholly in force at 15.3.2004, see s. 110(1)(2); Sch. 7 para. 12 not in force at Royal Assent see s. 110(1)(2); Sch 7 para. 12 in force at 15.3.2004 by S.I. 2004/401, art. 2(a) with art. 3

VALID FROM 01/04/2005

SCHEDULE 8

Section 109(1)

MINOR AND CONSEQUENTIAL AMENDMENTS

*Status: Point in time view as at 05/04/2004.*

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VALID FROM 01/04/2005

## SCHEDULE 9

Section 109(2)

### TRANSITIONAL PROVISIONS AND SAVINGS

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## SCHEDULE 10

Section 109(3)

### REPEALS

#### Commencement Information

**I109** Sch. 10 partly in force; Sch. 10 not in force at Royal Assent see s. 110(1)(2); Sch. 10 in force for certain purposes at 26.1.2004 by S.I. 2003/3345, art. 2(c)(iii)(iv); Sch. 10 in force for certain further purposes at 15.3.2004 by S.I. 2004/401, art. 2(c)(d); Sch. 10 in force for certain further purposes at 1.5.2004 by S.I. 2004/1104, {art. 3(h)(i)-(iv)(i)}; Sch. 10 in force for certain further purposes at 1.9.2004 by S.I. 2004/2066, art. 2(d)(e) (subject to art. 3); Sch. 10 in force for certain further purposes at 4.1.2005 by S.I. 2004/3123, art. 2(c)(d); Sch. 10 in force for certain further purposes at 1.4.2005 by S.I. 2005/910, art. 3(aa)(bb); Sch. 10 in force for certain further purposes at 10.1.2006 by S.I. 2005/3518, art. 2(b) (with art. 4); Sch. 10 in force for certain further purposes at 6.4.2006 by S.I. 2005/3518, art. 3(c)

Short title and chapter	Extent of repeal
Parochial Libraries Act 1708 (c. 14)	In section 10, “for the commission area”.
Distress for Rent Act 1737 (c. 19)	In section 4, “of the same commission area”. In section 16, “of the county, riding, division, or place”.
Inclosure Act 1773 (c. 81)	In section 4, “under the hand and seal” and “of the commission area wherein such common field lands shall lie”.
Burial Ground Act 1816 (c. 141)	In section 2, “for the commission area in which such land is situated”.
Inclosure and Drainage (Rates) Act 1833 (c. 35)	In section 1, “acting for any commission area, in petty sessions assembled”. In section 2, “for the said (county, riding, or division, as the case may be)”.
Railway Regulation Act 1842 (c. 55)	In section 17, “, in the like discretion of such justice, shall” and the words from “and every such penalty” to the end.
Defence Act 1842 (c. 94)	In section 24, “of the county, riding, city, or place”.

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Companies Clauses Consolidation Act 1845 (c. 16)	In section 3, the words from “The word “justice”” to “acting together in petty sessions”.
Lands Clauses Consolidation Act 1845 (c. 18)	In section 3, the words from “The word “justices”” to “acting together”.
Railway Clauses Consolidation Act 1845 (c. 20)	In section 3, the words from “The word “justice”” to “acting together.”. In section 46, “in petty sessions”. In section 59, “, and assembled in petty sessions.”.
Markets and Fairs Clauses Act 1847 (c. 14)	In section 3, the words from “The word “justice”” to “acting together.”.
Harbours, Docks and Piers Clauses Act 1847 (c. 27)	In section 3, the words from “The word “justice”” to “acting together.”.
Towns Improvement Clauses Act 1847 (c. 34)	In section 3, the words from “The word “justice”” to “acting together.”.
Cemeteries Clauses Act 1847 (c. 65)	In section 3, the words from “The word “justice”” to “acting together.”.
Town Police Clauses Act 1847 (c. 89)	In section 3, the words from “The word “justice”” to “acting together.”.
Indictable Offences Act 1848 (c. 42)	In section 13, “any county, riding, division, liberty, city, borough, or place in” (in both places).
Defence Act 1860 (c. 112)	In section 47, the words from “The word “justices”” to “acting together.”.
Offences Against the Person Act 1861 (c. 100)	In section 44, “under their hands”. In section 65, “under his hand and seal”.
Poaching Prevention Act 1862 (c. 114)	In section 1, the words from “; and the words “justice” and “justices”” onwards. In section 2, “England and”. In section 3, “in England in the same manner as penalties under the Game Act 1831 and”.
Dockyard Ports Regulation Act 1865 (c. 125)	In section 2, the words from “The term “justice”” to “arises.”.
Newspapers, Printers, and Reading Rooms Repeal Act 1869 (c. 24)	In Schedule 2, in section 34 of the Unlawful Societies Act 1799, “or sued” and “, or such action shall be brought”, and sections 35 and 36 of the 1799 Act.
Explosive Substances Act 1883 (c. 3)	In section 6(1), “for the county, borough, or place in which the crime was committed or is suspected to have been committed,” and “sit at a petty sessional or occasional court-house, or police station in the said county, borough or place, and”.

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Municipal Corporations Act 1882 (c. 50)	In section 153(3), “for a commission area consisting of or including the whole or part of the county”.
Sheriffs Act 1887 (c. 55)	In section 38, from “Any reference” onwards.
Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)	In section 3(4), “appointed for the same commission area”.
Criminal Justice Act 1925	In section 33(4), “, except in so far as such provision may be made by rules under section 144 of the Magistrates' Courts Act 1980”.
Children and Young Persons Act 1933 (c. 12)	Section 101. Schedule 2.
Public Offices (Site) Act 1947	Section 7.
National Assistance Act 1948	Section 65(c).
Prevention of Damage by Pests Act 1949 (c. 55)	In section 15(1), “for the petty sessions area or place in which the works are required to be carried out or, as the case may be, in which the food or container is for the time being situated”.
National Parks and Access to the Countryside Act 1949 (c. 97)	In section 68(3), “for the petty sessions area or place within which the land to which the notice relates is situated”.
Maintenance Orders Act 1950	Section 25(1). In section 28(1), in the definition of “prescribed”, “England or”, “by rules made under section fifteen of the Justices of the Peace Act 1949, or” and “as the case may be,”.
Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)	In Schedule 2, Part 2.
Prison Act 1952 (c. 52)	In section 19(2), “or to visit any prisoner under sentence of death”.
Maintenance Orders Act 1958	In section 21(1), the definition of “rules of court”.
Manoeuvres Act 1958 (7 & 8 Eliz. 2 c. 7)	In section 3, in subsection (1) “sitting in petty sessions in the petty sessions area within which that highway or part of a highway is situated” and in subsection (2) “being a highway or part within the jurisdiction of those justices”.
Obscene Publications Act 1959	In section 3(1), “in the petty sessions area for which he acts,” and “in that area”.
Game Laws (Amendment) Act 1960 (c. 36)	In section 3(2), the words from “and in section one” onwards.



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Caravan Sites and Control of Development Act 1960 (c. 62)	In section 7(1), “acting for the petty sessions area in which the land is situated”. In section 8(2), “acting for the petty sessions area in which the land to which the site licence relates is situated”. In section 32(1)(c), “acting for the petty sessions area in which the land is situated”.
Administration of Justice Act 1960	In section 2(3), “Except in a case involving sentence of death,”. Section 3.
Children and Young Persons Act 1963 (c. 37)	Section 17(1). Schedule 2.
Offices, Shops and Railway Premises Act 1963 (c. 41)	In section 46(11), “acting for the petty sessions area in which they are situate”.
Administration of Justice Act 1964	In section 26, “commissions of the peace,”.
Science and Technology Act 1965 (c. 4)	In Schedule 2, the entry relating to section 6 of the Geological Survey Act 1845.
Compulsory Purchase Act 1965	Section 1(5).
Public Works Loans Act 1965 (c. 63)	Section 2(1)(a)(v) and “and” before it.
National Loans Act 1968 (c. 13)	In Schedule 4, in paragraph 1, in paragraph (a) of the definition of “local authority”, sub-paragraph (v) and “and” before it.
Criminal Appeal Act 1968 (c. 19)	In section 31A(2), at the end of paragraph (b) “and”. Section 48. Schedule 4.
Courts-Martial (Appeals) Act 1968 (c. 20)	In section 36(1), at the end of paragraph (f) “and”. In section 36A(1), at the end of paragraph (a) “and”. Section 55. Schedule 2.
Children and Young Persons Act 1969 (c. 54)	In section 23A(2)(a), “for the petty sessions area in which he was arrested”.
Courts Act 1971 (c. 23)	Sections 27 and 28. Schedule 3. In Schedule 8, paragraphs 17 and 49.
Attachment of Earnings Act 1971	In section 25(1), the definition of “rules of court” and “and” before it.
Armed Forces Act 1971	In Schedule 2, paragraph 1(8).
Fire Precautions Act 1971 (c. 40)	In section 43(1), in the definition of “the court”, “acting for the petty sessions area in which they are situated”.

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Immigration Act 1971	In Schedule 3, in paragraph 6(3) “the Crown Court or” and “commission area or” and in paragraph 8(1) “area or”.
Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)	In section 21(1), “in England and Wales or”, “by rules made under section 144 of the Magistrates' Courts Act 1980 or”, and “as the case may be,”. In section 34A(4), omit “the clerk of”.
Civil Evidence Act 1972	Section 2(8).
Administration of Justice Act 1973	In section 5, “Paragraph 7 of”. In Schedule 1, paragraphs 7 to 7B and 10(1).
Juries Act 1974 (c. 23)	In section 10, “and for this purpose “the judge” means any judge of the High Court or any Circuit judge or Recorder”. In Schedule 1, in Group B, “Justices' chief executives,”.
Solicitors Act 1974 (c. 47)	Section 38(2) and (3).
Safety of Sports Grounds Act 1975 (c. 52)	In section 17(1), in the definition of “the court”, “acting for the petty sessions area in which they are situated”.
Bail Act 1976 (c. 63)	In section 2, the definitions of “Crown Court rules”, “magistrates' courts rules” and “Supreme Court rules”. In section 5B(8), “for the petty sessions area in which he was arrested”. In section 7(4)(a), “for the petty sessions area in which he was arrested”. In section 8(5)(b), “for the petty sessions area in which he resides”.
Race Relations Act 1976 (c. 74)	In Schedule 1A, in Part 1, paragraph 45, and in Part 2, under the heading “Regulatory, audit and inspection”, “Her Majesty’s Magistrates' Courts Service Inspectorate”.
Administration of Justice Act 1977	Section 22.
Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)	In section 88(1), the definition of “rules”. In Schedule 2, paragraphs 2, 6 and 9.
Judicature (Northern Ireland) Act 1978 (c. 23)	Section 48(4). In section 70(2)(a), the words “, or in the case of the Official Solicitor a solicitor,”. In section 73, in subsection (1), “Subject to subsection (2)”, and subsection (2). In Schedule 1, in paragraph 1(2) “Except in a case involving sentence of death,” and paragraph 2. In Schedule 3, the entry relating to the Official Solicitor.

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Protection of Children Act 1978	In section 4(1), “in the petty sessions area for which he acts”.
Magistrates' Courts Act 1980 (c. 43)	Section 1(2), (5) and (8). Section 3. Section 3B. In section 60(4), “the clerk of”. Section 68. Section 87(4). Section 87A(2). In section 97(1), “for any commission area” and “for that commission area”. In section 97A(1), “for any commission area” and paragraph (c) and “and” before it. In section 116, in subsection (1), “for any area to which this section applies”, from “, if the complaint” to “for that area,” and “for that area” (in the second place) and subsection (3). In section 121, subsection (3) and, in subsection (5), “, or sitting in an occasional court-house”. Section 125B(3). In section 125C, in subsection (1), “appointed by, or member of the staff of, his magistrates' courts committee” and, in subsection (2), in the definition of “a section 125A warrant”, from “and” onwards. Sections 137 and 138. Section 141. In section 144, in subsection (2) “the President of the Family Division of the High Court, the Senior District Judge (Chief Magistrate)” and subsection (5). In section 145, in subsection (1) paragraphs (aa), (f) and (i) and subsection (4). Sections 146 and 147. Section 149. In section 150(1), the definitions of “petty-sessional court-house”, “the register” and “the rules”. Section 153. Schedule 6. In Schedule 7, paragraphs 5, 8, 101(a), 106, 107, 113, 131 and 151.
Criminal Appeal (Northern Ireland) Act 1980	Section 48 and Schedule 3.
Zoo Licensing Act 1981 (c. 37)	In section 18(1), “acting for the petty sessions area in which the zoo is situated”.
Supreme Court Act 1981 (c. 54)	Section 56A. Section 76(4). In section 92, in subsection (2), “except the office of Queen’s Coroner and Attorney and

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	Master of the Crown Office and Registrar of Criminal Appeals” and subsections (2D) and (2E). Section 130. Sections 138, 138A and 138B. In section 151(1), in the definition of “prescribed”, paragraph (b) and “and” before it. In Schedule 5, paragraph 1 of the entry relating to the Foreign Judgments (Reciprocal Enforcement) Act 1933, the entry relating to the Criminal Justice Act 1948, and paragraph 2 of the entry relating to the Evidence (Proceedings in Other Jurisdictions) Act 1975.
Acquisition of Land Act 1981 (c. 67)	In Schedule 4, in paragraph 1, the entry relating to the Courts Act 1971 and paragraph 19.
County Courts Act 1984 (c. 28)	Sections 73 and 73A. Section 99(4)(b). Section 128. In section 147(1), the definition of “fees orders”. In Schedule 2, paragraph 43.
Matrimonial and Family Proceedings Act 1984 (c. 42)	Sections 40 and 41. In Schedule 1, paragraph 13(b).
Building Act 1984 (c. 55)	In section 40(1), “acting for the petty sessions area in which is situated land on which there has been carried out any work to which the notice relates”. In section 55(1), “acting for the petty sessions area in which is situated land on which there will be, or there has been, carried out any work to which the notice or certificate relates”.
Cinemas Act 1985 (c. 13)	In Schedule 2, paragraph 12.
Prosecution of Offences Act 1985	Section 20(5).
Local Government Act 1985 (c. 51)	Section 99. In Schedule 13, paragraph 13(i).
Administration of Justice Act 1985 (c. 61)	Section 54.
Transport Act 1985 (c. 67)	In section 17(10), the definition of “the appropriate court”.
Fire Safety and Safety of Places of Sport Act 1987 (c. 27)	In section 41, in the definition of “the court”, “acting for the petty sessions area in which it is situated”.
Income and Corporation Taxes Act 1988 (c. 1)	Section 329AA(8).

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Criminal Justice Act 1988 (c. 33)	Section 41(9).
Road Traffic Act 1988 (c. 52)	In section 90(1)(a), “acting for the petty sessions area in which he resides”. In section 100(1), “acting for the petty sessions area in which he resides”. In section 119(1), “acting for the petty sessions area in which the holder of or applicant for the licence resides”.
Road Traffic Offenders Act 1988 (c. 53)	Section 82(2), (2A) and (3).
Football Spectators Act 1989 (c. 37)	Section 7(10)(c) and the word “and” immediately preceding it. Section 18(4). In section 20(7), “acting for the petty sessions area in which he resides”. In section 22(2), “for any area”, “who resides or is believed to reside in that area” and (in both places) “for that area”.
Children Act 1989 (c. 41)	Section 97(7)(a). In Schedule 11, in paragraph 8, subparagraphs (d) to (g).
Local Government and Housing Act 1989 (c. 42)	Section 39(1)(ea). Section 67(3)(ga).
Statute Law (Repeals) Act 1989 (c. 43)	In Schedule 2, paragraph 4.
Town and Country Planning Act 1990 (c. 8)	In section 217(2), “acting for the petty sessions area in which the land in question is situated”.
Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)	In section 47(4), “acting for the petty sessions area within which the building is situated”. In section 50(6), “acting for the petty sessions area in which the building is situated”.
Planning (Consequential Provisions) Act 1990 (c. 11)	In Schedule 2, paragraph 25.
Computer Misuse Act 1990 (c. 18)	Section 11(1). In section 16(10), “and subsection (6) shall be omitted”.
Courts and Legal Services Act 1990 (c. 41)	Section 1(12). Section 15(1). In Schedule 17, paragraph 14. In Schedule 18, paragraph 50. In Schedule 19, paragraph 7.
Maintenance Enforcement Act 1991	In Schedule 2, paragraph 11(2).
Criminal Justice Act 1991 (c. 53)	Sections 76 to 78.

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	In section 92, in subsection (1), the definitions of “court-house” and “court security officer” and subsection (2). In Schedule 11, in paragraph 40(2)(a), “and Schedule 2” and in paragraph 41(2), paragraphs (a) and (e).
Local Government Finance Act 1992 (c. 14)	Section 19(3)(ea).
Friendly Societies Act 1992	In Schedule 16, paragraph 44.
Charities Act 1992 (c. 41)	In section 71(3), from “and references” onwards.
Tribunals and Inquiries Act 1992 (c. 53)	In Schedule 1, the entry relating to a person appointed under section 54(6) of the Justices of the Peace Act 1997.
Judicial Pensions and Retirement Act 1993 (c. 8)	In Part II of Schedule 1, in the entry for Schedule 3 to the Judicature (Northern Ireland) Act 1978, the words from “, other than” to the end. In Schedule 5, in the entry for the Judicature (Northern Ireland) Act 1978 the words “or 75(1)”. In Schedule 6, paragraph 14(5) and (7).
Police and Magistrates' Courts Act 1994 (c. 29)	In Schedule 8, paragraphs 29, 30, 32, 33 and 34.
Criminal Justice and Public Order Act 1994 (c. 33)	Section 52(8).
Deregulation and Contracting Out Act 1994 (c. 40)	In Schedule 16, paragraph 2.
Jobseekers Act 1995 (c. 18)	In Schedule 2, paragraph 4.
Criminal Appeal Act 1995 (c. 35)	Section 22(5).
Disability Discrimination Act 1995 (c. 50)	Section 38(3).
Police Act 1996 (c. 16)	Section 5(2)(c) and “and” before it. Section 5C(3)(c) and “and” before it. In Schedule 2, in paragraph 19(2)(a), “or 8”. In Schedule 2A, in paragraph 14(2)(a), “or 5”.
Civil Procedure Act 1997 (c. 12)	Section 2(6) to (8). In Schedule 2, paragraph 3.
Justices of the Peace Act 1997 (c. 25)	The whole Act.
Police Act 1997 (c. 50)	In Schedule 9, paragraph 92.
Local Government (Contracts) Act 1997 (c. 65)	Section 10. Section 12(4).
Statute Law (Repeals) Act 1998 (c. 43)	In Schedule 2, paragraph 3.
Tax Credits Act 1999 (c. 10)	In Schedule 1, paragraph 6(a).

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Access to Justice Act 1999 (c. 22)	Sections 74 and 75. Section 77. Section 78(1). Sections 80 to 89. Section 90(2) to (5). Section 91. Section 93(1). Section 98(1). Sections 99 and 100. In Schedule 4, paragraph 20. In Schedule 10, paragraphs 1 to 5, 6, 7, 9 to 12, 14 to 16, 18 to 20, 21(a), 30(4)(b), 32, 35 36, 39, and 47 to 53. In Schedule 11, paragraphs 3, 6(a), 12, 18, 28, 29, 30, 32, 36(3) and (4)(a), and 43 to 50. Schedule 12. In Schedule 13, paragraphs 1, 5, 6, 7, 10, 11, 13(2), 14, 15, 25 to 31, 59(2), (3)(a) and (4), 60, 65, 66, 68, 69, 72, 73(4), 74, 77, 78, 81, 82, 89 to 93, 96 to 112, 114 to 118, 122(2), 126, 127, 129 to 131, 135 to 138, 147 to 149, 150(3), 153(a), 154 to 156, 159 to 162, 165, 167 to 169 and 171.
Youth Justice and Criminal Evidence Act 1999 (c. 23)	Section 24(5) to (7). Section 65(2).
Greater London Authority Act 1999 (c. 29)	In Schedule 27, paragraph 108. In Schedule 29, paragraph 62.
Terrorism Act 2000 (c. 11)	In Schedule 8, in paragraph 29(4)(a), “the Senior District Judge (Chief Magistrate) or his deputy, or”.
Care Standards Act 2000 (c. 14)	In Schedule 4, paragraph 7.
Freedom of Information Act 2000 (c. 36)	In Schedule 1, paragraph 34.
Criminal Justice and Court Services Act 2000 (c. 43)	Section 17. In Schedule 7, paragraphs 84 to 86.
Vehicles (Crime) Act 2001 (c. 3)	Section 38(5)(c). In the Schedule, paragraphs 7 to 10.
Private Security Industry Act 2001 (c. 12)	In section 11, subsection (3) and, in subsection (6)(d), “appropriate”. In section 18, subsection (3) and, in subsection (5)(d), “appropriate”.
International Criminal Court Act 2001 (c. 17)	In section 26, in the definition of “appropriate judicial officer”, paragraph (a).
State Pension Credit Act 2002 (c. 16)	In Schedule 2, paragraph 25.
Tax Credits Act 2002 (c. 21)	In Schedule 3, paragraph 2.
Justice (Northern Ireland) Act 2002 (c. 26)	In section 18(9), the words “and in the entry relating to the Official Solicitor”.

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Police Reform Act 2002 (c. 30)	In Schedule 7, paragraph 20.
Adoption and Children Act 2002	Section 141(2). In Schedule 3, paragraph 44.
Enterprise Act 2002	Section 265.

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