



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 13

CRIMINAL JUSTICE AND COURT FEES

179 Surcharges: imprisonment in default and remission of fines

- (1) In section 82 of the Magistrates' Courts Act 1980 (restriction on power to impose imprisonment for default), after subsection (1) there is inserted—

“(1A) Subsection (1)(c) above does not apply in relation to a surcharge ordered to be paid under section 161A of the Criminal Justice Act 2003.”

- (2) In section 85 of that Act (power to remit fine), after subsection (3) there is inserted—

“(3A) Where—

- (a) the court remits the whole or part of the fine, and
- (b) the offender was ordered under section 161A of the Criminal Justice Act 2003 to pay a surcharge the amount of which was set by reference to the amount of the fine,

the court shall determine how much the surcharge would have been if the fine had not included the amount remitted, and remit the balance of the surcharge.”

- (3) In section 165 of the Criminal Justice Act 2003 (remission of fines), after subsection (4) there is inserted—

“(5) Where—

- (a) under this section the court remits the whole or part of a fine, and
- (b) the offender was ordered under section 161A to pay a surcharge the amount of which was set by reference to the amount of the fine,

the court must determine how much the surcharge would have been if the fine had not included the amount remitted, and remit the balance of the surcharge.”

Status: This is the original version (as it was originally enacted).

- (4) Subsections (2) and (3) apply in any case where the fine, or part of it, is remitted on or after the day on which this section comes into force.