
STATUTORY INSTRUMENTS

1992 No. 1856

The Magistrates' Courts (Unit Fines) Rules 1992

Determination of disposable weekly income

4.—(1) Subject to subsections (5), (6) and (8) of section 18 of the Act (which make special provision for determination in certain cases) and to paragraph (2) below, for the purpose of fixing the amount of a fine to which these Rules apply, the amount of an offender's disposable weekly income shall be the amount given in his case by the application of the formula

$$\frac{I-E}{3},$$

- (a) I is the amount of his net weekly income, and
- (b) E is the amount of the appropriate expenditure level in his case, determined by the court in accordance with these Rules.

(2) With the consent of an offender, whether given orally or in writing, the court may determine his disposable weekly income to be an amount equal to 1/50th of level 5 on the standard scale or, where section 18(6) of the Act applies, the appropriate fraction of that amount.

(3) Before sentencing an offender who is present in court, unless he has previously furnished the court with the information, the court shall invite him, whether in writing or orally, to furnish to the court information as to the matters specified in a means enquiry form.

(4) As well as any information so furnished, or furnished in pursuance of an order of the court under section 20(1) of the Act, the court may take into account such other information relating to an offender's means as appears to the court to be relevant.

(5) In determining an offender's disposable weekly income there shall be disregarded—

- (a) any child benefit paid to the offender under section 1 of the Child Benefit Act 1975((1)); and
- (b) any sum or sums payable by the offender as a result of any fine imposed or compensation order made in proceedings other than those in respect of which the determination is to be made.

(6) The court may round up or down, as and where appropriate, the amount determined to be an offender's disposable weekly income to the nearest whole pound.

(7) Schedule 2 to these Rules shall have effect for the purpose of determining an offender's net weekly income and the appropriate expenditure level in his case.