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STATUTORY INSTRUMENTS

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**1992 No. 2182**

**Fines (Deductions from Income Support) Regulations 1992**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Fines (Deductions from Income Support) Regulations 1992 and shall come into force on 1st October 1992.

(2) In these Regulations, unless the context otherwise requires—

“the 1971 Act” means the Vehicles (Excise) Act 1971 <sup>M1</sup>;

“the 1973 Act” means the Powers of Criminal Courts Act 1973 <sup>M2</sup>;

[<sup>F1</sup>“the 1998 Act” means the Social Security Act 1998;]

[<sup>F2</sup>“the 2012 Act” means the Welfare Reform Act 2012;]

<sup>F3</sup>  
...

“application” means an application made under regulation 2 <sup>F4</sup>... containing the information specified in regulation 3(1);

[<sup>F5</sup>“assessment period” means the period prescribed by regulation 21 of the UC Regulations;]

<sup>F6</sup>  
...

“benefit week” has the meaning prescribed in regulation 2(1) of the Income Support Regulations [<sup>F7</sup>or, as the case may be, [<sup>F8</sup>regulation 1(2) of the State Pension Credit Regulations 2002 or] regulation 1(3) of the Jobseeker’s Allowance Regulations 1996 [<sup>F9</sup>or regulation 2(1) of the Employment and Support Allowance Regulations];]

“the Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations 1987<sup>M3</sup>;

[<sup>F10</sup>“Commissioner” has the meaning it bears in section 39(1) of the 1998 Act;]

[<sup>F11</sup>“contribution-based jobseeker’s allowance”, except in a case to which paragraph (b) of the definition of income-based jobseeker’s allowance applies, means a contribution-based jobseeker’s allowance under Part I of the Jobseekers Act 1995, [<sup>F12</sup>as amended by the provisions of Part 1 of Schedule 14 to the 2012 Act that remove references to an income-based allowance or under Part 1 of the Jobseekers Act 1995 as it has effect apart from those amendments] but does not include any back to work bonus under section 26 of the Jobseekers Act which is paid as jobseeker’s allowance;]

[<sup>F13</sup>“contributory employment and support allowance” means a contributory allowance under Part 1 of the Welfare Reform Act [<sup>F14</sup>as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related allowance or under Part 1 of the Welfare Reform Act as it has effect apart from those amendments]]

“court” means in England and Wales a magistrates’ court and in Scotland a court;

[<sup>F15</sup>“the Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations 2008;]

“5 per cent. of the personal allowance for a single claimant aged not less than 25” means, where the percentage is not a multiple of 5 pence, the sum obtained by rounding that 5 per cent to the next higher such multiple;

“Income Support Regulations” means the Income Support (General) Regulations 1987<sup>M4</sup>;

[<sup>F11</sup>“income-based jobseeker’s allowance” means—

- (a) an income-based jobseeker’s allowance under Part I of the Jobseekers Act 1995; and
- (b) in a case where, if there was no entitlement to contribution-based jobseeker’s allowance, there would be entitlement to income-based jobseeker’s allowance at the same rate, contribution-based jobseeker’s allowance,

but does not include any back to work bonus under section 26 of the Jobseekers Act which is paid as jobseeker’s allowance;]

[<sup>F16</sup>“income-related employment and support allowance” means—

- (a) an income-related allowance under Part 1 of the Welfare Reform Act; and
- (b) in a case where, if there was no entitlement to contributory employment and support allowance, there would be entitlement to income-related employment and support allowance at the same rate, contributory employment and support allowance;]

“payments to third parties” means direct payments to third parties in accordance with Schedules 9 and 9A to the Claims and Payments Regulations, [<sup>F17</sup>Schedule 6 to the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013,] regulation 2(4) of the Community Charges (Deductions from Income Support) (No. 2) Regulations 1990<sup>M5</sup> and regulation 2(4) of the Community Charges (Deductions from Income Support) (Scotland) Regulations 1989<sup>M6</sup> [<sup>F18</sup>and regulation 2 of the Council Tax (Deductions from Income Support) Regulations 1993];

[<sup>F19</sup>“personal allowance for a single claimant aged not less than 25” means—

- (a) in the case of a person who is entitled to either income support or state pension credit, the amount for the time being specified in paragraph 1(1)(e) of column (2) of Schedule 2 to the Income Support Regulations; or
- (b) in the case of a person who is entitled to an income-based jobseeker’s allowance, the amount for the time being specified in paragraph 1(1)(e) of column (2) of Schedule 1 to the Jobseeker’s Allowance Regulations 1996;]
- (c) [<sup>F20</sup>in the case of a person who is entitled to an income-related employment and support allowance, the amount specified for the time being in paragraph 1(1)(b) of column 2 of schedule 4 to the Employment and Support Allowance Regulations;]

“social security office” means an office of the [<sup>F21</sup>Department for Work and Pensions which is open to the public for the receipt of claims for income support [<sup>F22</sup>, a jobseekers allowance or an employment and support allowance].]

[<sup>F23</sup>“state pension credit” means the benefit of that name payable under the State Pension Credit Act 2002;]

[<sup>F24</sup>“tribunal” means an appeal tribunal constituted under Chapter I of Part I of the 1998 Act.]

[<sup>F25</sup>“the UC Regulations” means the Universal Credit Regulations 2013;

“universal credit” means universal credit under Part 1 of the 2012 Act;]

[<sup>F26</sup>“the Welfare Reform Act” means the Welfare Reform Act 2007;]

(3) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation, Part or Schedule is a reference to the regulation, Part or Schedule bearing that number in these Regulations and any reference in a regulation or Schedule to a numbered paragraph is a reference to the paragraph of that regulation or Schedule having that number.

### Textual Amendments

- F1** Words substituted in reg. 1(2) (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 3(1)(a), **Sch. 12**, para. 1(a) (with reg. 3(1)(b), Sch. 2123)
- F2** Words in reg. 1(2) inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013 \(S.I. 2013/612\)](#), regs. 1(2), **3(2)**
- F3** Words omitted in reg. 1(2) (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 3(1)(a), **Sch. 12**, para. 1(b) (with reg. 3(1)(b), Sch. 2123)
- F4** Words in reg. 1(2) omitted (20.6.2003) by virtue of [Fines \(Deductions from Income Support\) \(Amendment\) Regulations 2003 \(S.I. 2003/1360\)](#), regs. 1(1), **2(a)**
- F5** Words in reg. 1(2) inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013 \(S.I. 2013/612\)](#), regs. 1(2), **3(3)**
- F6** Words omitted in reg. 1(2) (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 3(1)(a), **Sch. 12**, para. 1(b) (with reg. 3(1)(b), Sch. 2123)
- F7** Word in reg. 1(2) inserted (7.10.1996) by [The Social Security \(Jobseeker's Allowance Consequential Amendments\) \(Deductions\) Regulations 1996 \(S.I. 1996/2344\)](#), reg. 1(1), **reg. 10(a)**
- F8** Words in reg. 1(2) inserted (6.10.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(b), **32(2)(a)**
- F9** Words in reg. 1(2) added (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **54(2)(a)**
- F10** Words substituted in reg. 1(2) (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 3(1)(a), **Sch. 12**, para. 1(c) (with reg. 3(1)(b), Sch. 2123)
- F11** Words in reg. 1(2) inserted (1.1.1998) by [The Social Security \(Miscellaneous Amendments\) Regulations 1998 \(S.I. 1998/563\)](#), regs. 1, **3(1)**
- F12** Words in reg. 1(2) inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013 \(S.I. 2013/612\)](#), regs. 1(2), **3(4)**
- F13** Words in reg. 1(2) inserted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **54(2)(b)**
- F14** Words in reg. 1(2) added (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013 \(S.I. 2013/612\)](#), regs. 1(2), **3(5)**
- F15** Words in reg. 1(2) inserted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **54(2)(c)**
- F16** Words in reg. 1(2) inserted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **54(2)(d)**
- F17** Words in reg. 1(2) inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013 \(S.I. 2013/612\)](#), regs. 1(2), **3(6)**
- F18** Words in reg. 1(2) inserted (1.4.1993) by [The Deductions from Income Support \(Miscellaneous Amendment\) Regulations 1993 \(S.I. 1993/495\)](#), regs. 1(1), **3(2)**
- F19** Words in reg. 1(2) substituted (6.10.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(b), **32(2)(b)**

- F20** Words in reg. 1(2) inserted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008](#) (S.I. 2008/1554), regs. 1(2)(b), **54(2)(e)**
- F21** Words in reg. 1(2) substituted (27.6.2002) by [Secretaries of State for Education and Skills and for Work and Pensions Order 2002](#) (S.I. 2002/1397), art. 1(2), **Sch. para. 22**
- F22** Words in reg. 1(2) substituted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008](#) (S.I. 2008/1554), regs. 1(2)(b), **54(2)(f)**
- F23** Words in reg. 1(2) inserted (6.10.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002](#) (S.I. 2002/3019), regs. 1(2)(b), **32(2)(c)**
- F24** Words substituted in reg. 1(2), (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999](#) (S.I. 1999/3178), reg. 3(1)(a), **Sch. 12**, para. 1(d) (with reg. 3(1)(b), Sch. 2123)
- F25** Words in reg. 1(2) inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013](#) (S.I. 2013/612), regs. 1(2), **3(7)**
- F26** Words in reg. 1(2) inserted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008](#) (S.I. 2008/1554), regs. 1(2)(b), **54(2)(g)**

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

- C1** Reg. 1 applied (with modifications) (23.2.2004 for specified purposes, 29.3.2004 for specified purposes, 5.4.2004 in so far as not already in force) by [Fines Collection Regulations 2004](#) (S.I. 2004/176), regs. 1(2), **5(a)** (with regs. 1(4), 3)
- C2** Reg. 1(2) applied (with modifications) (27.3.2006) by [Fines Collection Regulations 2006](#) (S.I. 2006/501), reg. 1(1), **reg. 31(a)(iii)**
- C3** Reg. 1(2) applied (with modifications) (27.3.2006) by [Fines Collection Regulations 2006](#) (S.I. 2006/501), reg. 1(1), **reg. 31(a)(i)**
- C4** Reg. 1(2) applied (with modifications) (27.3.2006) by [Fines Collection Regulations 2006](#) (S.I. 2006/501), reg. 1(1), **reg. 31(a)(ii)**

#### Marginal Citations

- M1** 1971 c.10.
- M2** 1973 c.62.
- M3** S.I. 1987/1968.
- M4** S.I. 1987/1967; relevant amending instruments are S.I. 1988/1445 and S.I. 1991/2910.
- M5** S.I. 1990/545.
- M6** S.I. 1989/507; relevant amending instrument is S.I. 1990/113.

#### [<sup>F27</sup>Application for deductions from income support]<sup>F28</sup>, [<sup>F29</sup> universal credit,] state pension credit] or [<sup>F30</sup>, jobseeker's allowance or employment and support allowance]]

2.—(1) Where a fine has been imposed on an offender by a court or a sum is required to be paid by a compensation order which has been made against an offender by a court and (in either case) the offender is entitled to income support<sup>F31</sup>, [<sup>F32</sup>universal credit,] state pension credit<sup>F33</sup> or [<sup>F30</sup>, jobseeker's allowance or employment and support allowance]] the court may, subject to paragraph (2), apply to the Secretary of State asking him to deduct sums from any amounts payable to the offender by way of income support, [<sup>F32</sup>universal credit,]<sup>F28</sup> state pension credit<sup>F34</sup> or [<sup>F30</sup>, jobseeker's allowance or employment and support allowance]] in order to secure the payment of any sum which is or forms part of the fine or compensation.

(2) Before making an application the court shall make an enquiry as to the offender's means.

#### Textual Amendments

- F27** Heading to reg. 2 substituted (7.10.96) by S.I. 1996/2344, reg. 1, 11(1)
- F28** Words in reg. 2(1) inserted (6.10.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#) , regs. 1(2)(b) , **32(3)**
- F29** Words in reg. 2 inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013 \(S.I. 2013/612\)](#), regs. 1(2), **4(a)**
- F30** Words in reg. 2 substituted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **54(3)**
- F31** Words in reg. 2(1) inserted (6.10.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#) , regs. 1(2)(b) , **32(3)**
- F32** Words in reg. 2(1) inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013 \(S.I. 2013/612\)](#), regs. 1(2), **4(b)**
- F33** Words in reg. 2 substituted (7.10.96) by S.I. 1996/2344, reg. 1, 11(2)
- F34** Words in reg. 2 substituted (7.10.96) by S.I. 1996/2344, reg. 1, 11(2)

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

- C5** Reg. 2 applied (with modifications) (23.2.2004 for specified purposes, 29.3.2004 for specified purposes, 5.4.2004 in so far as not already in force) by [Fines Collection Regulations 2004 \(S.I. 2004/176\)](#), regs. 1(2), **5(b)** (with regs. 1(4), 3)
- C6** Reg. 2(1) applied (with modifications) (27.3.2006) by [Fines Collection Regulations 2006 \(S.I. 2006/501\)](#), art. 1(1)**reg. 31(b)(i)**
- C7** Reg. 2(2) applied (with modifications) (27.3.2006) by [Fines Collection Regulations 2006 \(S.I. 2006/501\)](#), art. 1(1)**reg. 31(b)(ii)**

#### <sup>F35</sup>Information that the court may require

**2A.**—( 1 ) Where an application is made the court may require the offender to provide his full name, full address, date of birth, national insurance number and the name of any benefits to which he is entitled.

(2) For the purposes of this regulation “benefits” means income support, state pension credit<sup>F36</sup>, a jobseeker’s allowance or an employment and support allowance].]

#### Textual Amendments

- F35** Reg. 2A inserted (18.12.2004) by [Fines \(Deductions from Income Support\) \(Amendment\) Regulations 2004 \(S.I. 2004/2889\)](#), regs. 1(2), **2(a)**
- F36** Words in reg. 2A(2) substituted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **54(4)**

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

- C8** Reg. 2A(1) applied (with modifications) (27.3.2006) by [Fines Collection Regulations 2006 \(S.I. 2006/501\)](#), art. 1(1)**reg. 31(c)(i)**
- C9** Reg. 2A(1) applied (with modifications) (27.3.2006) by [Fines Collection Regulations 2006 \(S.I. 2006/501\)](#), art. 1(1)**reg. 31(c)(ii)**

#### Contents of application

**3.**—(1) An application <sup>F37</sup>... shall contain the following information—

- (a) the name and address of the offender, and, if it is known, his date of birth;
- (b) the date when the fine was imposed or the compensation order made;
- (c) the name and address of the court imposing the fine or making the compensation order;
- (d) the amount of the fine or the amount payable by the compensation order as the case may be;
- (e) the date on which the application is made;
- (f) the date on which the court enquired into the offender's means;
- (g) whether the offender has defaulted in paying the fine, compensation order or any instalment of either.

(2) A court making an application shall serve it on the Secretary of State by sending or delivering it to a social security office.

(3) Where it appears to the Secretary of State that an application from a court gives insufficient information to enable the offender to be identified, he may require the court to furnish such further information as he may reasonably require for that purpose.

#### Textual Amendments

**F37** Words in reg. 3(1) omitted (20.6.2003) by virtue of [Fines \(Deductions from Income Support\) \(Amendment\) Regulations 2003 \(S.I. 2003/1360\)](#) , regs. 1(1) , **2(b)**

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

- C10** Reg. 3(1)(b)(c) applied (with modifications) (27.3.2006) by [Fines Collection Regulations 2006 \(S.I. 2006/501\)](#), art. 1(1)**reg. 31(d)(i)**
- C11** Reg. 3(1)(d) applied (with modifications) (27.3.2006) by [Fines Collection Regulations 2006 \(S.I. 2006/501\)](#), art. 1(1)**reg. 31(d)(i)**
- C12** Reg. 3(1)(g) applied (with modifications) (23.2.2004 for specified purposes, 29.3.2004 for specified purposes, 5.4.2004 in so far as not already in force) by [Fines Collection Regulations 2004 \(S.I. 2004/176\)](#), regs. 1(2), **5(c)** (with [regs. 1\(4\), 3](#))
- C13** Reg. 3(1)(g) applied (with modifications) (27.3.2006) by [Fines Collection Regulations 2006 \(S.I. 2006/501\)](#), art. 1(1)**reg. 31(d)(i)**
- C14** Reg. 3(2)(3) applied (with modifications) (23.2.2004 for specified purposes, 29.3.2004 for specified purposes, 5.4.2004 in so far as not already in force) by [Fines Collection Regulations 2004 \(S.I. 2004/176\)](#), regs. 1(2), **5(e)** (with [regs. 1\(4\), 3](#))
- C15** Reg. 3(2) applied (with modifications) (27.3.2006) by [Fines Collection Regulations 2006 \(S.I. 2006/501\)](#), art. 1(1)**reg. 31(d)(ii)**
- C16** Reg. 3(3) applied (with modifications) (27.3.2006) by [Fines Collection Regulations 2006 \(S.I. 2006/501\)](#), art. 1(1)**reg. 31(d)(iii)**
- C17** Reg. 3(3) applied (with modifications) (27.3.2006) by [Fines Collection Regulations 2006 \(S.I. 2006/501\)](#), art. 1(1)**reg. 31(d)(iii)**

**[<sup>F38</sup>Deductions from offender's income support [<sup>F39</sup>, [<sup>F40</sup>universal credit,] state pension credit] or jobseeker's allowance**

4.—(1) Subject to regulation 7, where—

- (a) the Secretary of State receives an application from a court in respect of an offender who is entitled to income support [<sup>F41</sup>, state pension credit][<sup>F42</sup>, income-based jobseeker's allowance or income-related employment and support allowance];
- (b) the amount payable by way of that benefit, after any deduction under this paragraph, is 10 pence or more; and

- (c) the aggregate amount payable under one or more of the following provisions, namely, paragraphs 3(2)(a), 5(6), 6(2)(a) and 7(3)(a) and (5)(a) of Schedule 9 to the Claims and Payments Regulations, and regulation 2 of the Council Tax (Deductions from Income Support) Regulations 1993, together with the amount to be deducted under this paragraph does not exceed an amount equal to 3 times 5 per cent. of the personal allowance for a single claimant aged not less than 25 years,

the Secretary of State may deduct a sum from that benefit which is equal to 5 per cent. of the personal allowance for a single claimant aged not less than 25 <sup>[F43]</sup> or £5, whichever is the greater amount allowed by sub-paragraphs (b) and (c)] and pay that sum to the court towards satisfaction of the fine or the sum required to be paid by compensation order.

[<sup>F44</sup>(1A) Subject to paragraphs (1C) and (1D) and regulation 7, where the Secretary of State receives an application from a court in respect of an offender who is entitled to universal credit, the Secretary of State may deduct from the universal credit payable to the offender an amount permitted by paragraph (1B) and pay that amount to the court towards satisfaction of the fine or the sum required to be paid by compensation order.

[<sup>F45</sup>(1B) The amount that may be deducted under paragraph (1A) is 5 per cent. of the appropriate universal credit standard allowance for the offender for the assessment period in question, as specified under regulation 36 of the UC Regulations.]

(1C) No amount may be deducted under paragraph (1A) where it would reduce the amount of universal credit payable to the offender to less than 1 penny.

(1D) For the purpose of paragraph (1B), where 5 per cent. of the appropriate universal credit standard allowance results in a fraction of a penny, that fraction is to be disregarded if it is less than half a penny and otherwise it is to be treated as a penny.]

[<sup>F46</sup>(2) Subject to paragraph (3) and regulation 7, where—

- (a) the Secretary of State receives an application from a court in respect of an offender who is entitled to contribution-based jobseeker’s allowance or contributory employment and support allowance; and
- (b) the amount of that allowance payable, before any deduction under this paragraph, is 10 pence or more,

the Secretary of State may deduct a sum from that allowance, up to the appropriate maximum specified in paragraph (2A), and pay that sum to the court towards satisfaction of the fine or the sum required to be paid by compensation order.

(2A) The appropriate maximum is 40 per cent. of the appropriate age-related amount for the offender specified—

- (a) where the offender is entitled to contribution-based jobseeker’s allowance, in regulation 79 of the Jobseeker’s Allowance Regulations 1996 or, as the case may be, regulation 49 of the Jobseeker’s Allowance Regulations 2013;
- (b) where the offender is entitled to contributory employment and support allowance, in paragraph 1(1) of Schedule 4 to the Employment and Support Allowance Regulations or, as the case may be, regulation 62(1)(b) of the Employment and Support Allowance Regulations 2013.]

(3) No deduction shall be made under paragraph (2) where a deduction is being made from the offender’s contribution-based jobseeker’s allowance under the Community Charges (Deductions from Income Support) ( No. 2) Regulations 1990, the Community Charges (Deductions from Income Support) (Scotland) Regulations 1989 or the Council Tax (Deductions from Income Support) Regulations 1993.

<sup>F47</sup>( 4 ) .....



(5) The Secretary of State shall notify the offender and the court in writing of a decision to make a deduction under this regulation so far as is practicable within 14 days from the date on which he made the decision and at the same time shall notify the offender of his right of appeal.]

#### Textual Amendments

- F38** Regs. 4 to 6A substituted (29.11.99) by S.I. 1999/3178, **Sch. 12**, para. 2
- F39** Words in reg. 4 inserted (6.10.2003) by State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **32(4)**
- F40** Words in reg. 4 inserted (29.4.2013) by The Fines, Council Tax and Community Charges (Deductions from Universal Credit and Other Benefits) Regulations 2013 (S.I. 2013/612), regs. 1(2), **5(2)**
- F41** Words in reg. 4(1)(a) inserted (6.10.2003) by State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **32(4)**
- F42** Words in reg. 4(1)(a) substituted (27.10.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **54(5)(a)**
- F43** Words in reg. 4(1) inserted (18.12.2004) by Fines (Deductions from Income Support) (Amendment) Regulations 2004 (S.I. 2004/2889), regs. 1(2), **2(b)**
- F44** Reg. 4(1A)-(1D) inserted (29.4.2013) by The Fines, Council Tax and Community Charges (Deductions from Universal Credit and Other Benefits) Regulations 2013 (S.I. 2013/612), regs. 1(2), **5(3)**
- F45** Reg. 4(1B) substituted (29.10.2021) by The Fines (Deductions from Income Support) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1077), regs. 1(1), **2**
- F46** Reg. 4(2)-(2A) substituted for reg. 4(2) (29.4.2013) by The Fines, Council Tax and Community Charges (Deductions from Universal Credit and Other Benefits) Regulations 2013 (S.I. 2013/612), regs. 1(2), **5(4)** (with reg. 5(6))
- F47** Reg. 4(4) omitted (29.4.2013) by virtue of The Fines, Council Tax and Community Charges (Deductions from Universal Credit and Other Benefits) Regulations 2013 (S.I. 2013/612), regs. 1(2), **5(5)**

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

- C18** Reg. 4(1) applied (with modifications) (27.3.2006) by Fines Collection Regulations 2006 (S.I. 2006/501), art. 1(1)**reg. 31(e)(iii)**
- C19** Reg. 4(1) applied (with modifications) (27.3.2006) by Fines Collection Regulations 2006 (S.I. 2006/501), art. 1(1)**reg. 31(e)(ii)**
- C20** Reg. 4(1) applied (with modifications) (27.3.2006) by Fines Collection Regulations 2006 (S.I. 2006/501), art. 1(1)**reg. 31(e)(i)**

#### Circumstances, time of making and termination of deductions

7.—(1) The Secretary of State may make deductions from [<sup>F48</sup> under [<sup>F49</sup> regulation 4(1) or (2)]] only if—

- (a) the offender is entitled to income support<sup>F50</sup>, state pension credit<sup>F51</sup>, jobseeker's allowance or employment and support allowance] throughout any benefit week; and
- (b) no deductions are being made in respect of the offender under any other application.

[<sup>F52</sup>(1A) The Secretary of State may make deductions from universal credit under regulation 4(1A) only if—

- (a) the offender is entitled to universal credit throughout any assessment period; and
- (b) no deductions are being made in respect of the offender under any other application.]

(2) The Secretary of State shall not make a deduction unless—

- (a) the offender at the date of application by the court is aged not less than 18;



- (b) the offender is entitled to income support<sup>F50</sup>, [<sup>F53</sup>universal credit,] state pension credit<sup>F51</sup>, jobseeker's allowance or employment and support allowance]; and
- (c) the offender has defaulted in paying the fine, compensation order or any instalment of either.
- (3) The Secretary of State shall make deductions from income support<sup>F50</sup>, [<sup>F54</sup> universal credit,] state pension credit<sup>F51</sup>, jobseeker's allowance or employment and support allowance] by reference to the times at which payment of income support<sup>F50</sup>, [<sup>F54</sup>universal credit,] state pension credit<sup>F51</sup>, jobseeker's allowance or employment and support allowance] is made to the offender<sup>M7</sup>.
- (4) The Secretary of State shall cease making deductions from income support<sup>F50</sup>, [<sup>F55</sup>universal credit,] state pension credit<sup>F51</sup>, jobseeker's allowance or employment and support allowance] if—
- (a) there is no longer sufficient entitlement to income support<sup>F50</sup>, [<sup>F55</sup>universal credit,] state pension credit<sup>F51</sup>, jobseeker's allowance or employment and support allowance] to enable him to make the deduction;
- (b) entitlement to income support<sup>F50</sup>, [<sup>F55</sup>universal credit,] state pension credit<sup>F51</sup>, jobseeker's allowance or employment and support allowance] ceases;
- (c) a court withdraws its application for deductions to be made; or
- (d) the liability to make payment of the fine or under the compensation order as the case may be has ceased.
- <sup>F56</sup>(5) The Secretary of State shall not determine any application under regulation 2 which relates to an offender in respect of whom—
- (a) he is making deductions; or
- (b) deductions fall to be made,
- pursuant to an earlier application under that regulation until no deductions pursuant to that earlier application fall to be made.]
- (6) Payments of sums deducted from income support<sup>F50</sup>, [<sup>F57</sup>universal credit,] state pension credit<sup>F51</sup>, jobseeker's allowance or employment and support allowance] by the Secretary of State under these Regulations shall be made to the court at intervals of 13 weeks.
- (7) Where the whole of the amount to which the application relates has been paid, the court shall so far as is practicable give notice of that fact within 21 days to the Secretary of State.
- (8) The Secretary of State shall notify the offender in writing of the total of sums deducted by him under any application—
- (a) on receipt of a written request for such information from the offender; or
- (b) on the termination of deductions made under any such application.

#### Textual Amendments

- F48** Words substituted in reg. 7(1) (29.11.99) by S.I. 1999/3178, Sch. 12, para. 3(a)
- F49** Words in reg. 7(1) substituted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013 \(S.I. 2013/612\)](#), regs. 1(2), **6(a)**
- F50** Words in reg. 7 inserted (6.10.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(b), **32(5)**
- F51** Words in reg. 7 substituted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **54(6)**

*Changes to legislation: There are currently no known outstanding effects for the Fines (Deductions from Income Support) Regulations 1992. (See end of Document for details)*

- F52** Reg. 7(1A) inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013 \(S.I. 2013/612\)](#), regs. 1(2), **6(b)**
- F53** Words in reg. 7(2)(b) inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013 \(S.I. 2013/612\)](#), regs. 1(2), **6(c)**
- F54** Words in reg. 7(3) inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013 \(S.I. 2013/612\)](#), regs. 1(2), **6(c)**
- F55** Words in reg. 7(4) inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013 \(S.I. 2013/612\)](#), regs. 1(2), **6(c)**
- F56** Reg. 7(5) substituted (29.11.99) by S.I. 1999/3178, Sch. 12, para. 3(b)
- F57** Words in reg. 7(6) inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013 \(S.I. 2013/612\)](#), regs. 1(2), **6(c)**

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

- C21** Reg. 7(2)(c) applied (with modifications) (23.2.2004 for specified purposes, 29.3.2004 for specified purposes, 5.4.2004 in so far as not already in force) by [Fines Collection Regulations 2004 \(S.I. 2004/176\)](#), regs. 1(2), **5(d)** (with regs. 1(4), 3)
- C22** Reg. 7(2)(c) applied (with modifications) (27.3.2006) by [Fines Collection Regulations 2006 \(S.I. 2006/501\)](#), reg. 1(1)**reg. 31(f)(i)**
- C23** Reg. 7(4)(c) applied (with modifications) (23.2.2004 for specified purposes, 29.3.2004 for specified purposes, 5.4.2004 in so far as not already in force) by [Fines Collection Regulations 2004 \(S.I. 2004/176\)](#), regs. 1(2), **5(e)** (with regs. 1(4), 3)
- C24** Reg. 7(4)(c) applied (with modifications) (27.3.2006) by [Fines Collection Regulations 2006 \(S.I. 2006/501\)](#), reg. 1(1)**reg. 31(f)(ii)**
- C25** Reg. 7(4)(c) applied (with modifications) (27.3.2006) by [Fines Collection Regulations 2006 \(S.I. 2006/501\)](#), reg. 1(1)**reg. 31(f)(ii)**
- C26** Reg. 7(4)(d) applied (with modifications) (27.3.2006) by [Fines Collection Regulations 2006 \(S.I. 2006/501\)](#), reg. 1(1)**reg. 31(f)(iii)**
- C27** Reg. 7(6)(7) applied (with modifications) (23.2.2004 for specified purposes, 29.3.2004 for specified purposes, 5.4.2004 in so far as not already in force) by [Fines Collection Regulations 2004 \(S.I. 2004/176\)](#), regs. 1(2), **5(e)** (with regs. 1(4), 3)
- C28** Reg. 7(7) applied (with modifications) (27.3.2006) by [Fines Collection Regulations 2006 \(S.I. 2006/501\)](#), reg. 1(1)**reg. 31(f)(iv)**

#### **Marginal Citations**

- M7** See Schedule 7 to [S.I. 1987/1968](#) .

### **Withdrawal of application**

**8 .** A court may withdraw an application at any time by giving notice in writing to the social security office to which the application was sent or delivered.

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

- C29** Reg. 8 applied (with modifications) (23.2.2004 for specified purposes, 29.3.2004 for specified purposes, 5.4.2004 in so far as not already in force) by [Fines Collection Regulations 2004 \(S.I. 2004/176\)](#), regs. 1(2), **5(e)** (with regs. 1(4), 3)

**C30** Reg. 8 applied (with modifications) (27.3.2006) by [Fines Collection Regulations 2006 \(S.I. 2006/501\)](#), art. 1(1)[reg. 31\(g\)](#)

### [<sup>F58</sup> **Revision and supersession**

**9.** Any decision of the Secretary of State under regulation 4 may be revised under section 9 of the 1998 Act or superseded under section 10 of that Act as though the decision were made under section 8(1)(c) of that Act.]

#### **Textual Amendments**

**F58** Reg. 9 substituted (29.11.99) by S.I. 1999/3178, Sch. 12, para. 4

### [<sup>F59</sup> **Appeal**

**10.** Any decision of the Secretary of State under regulation 4 (whether as originally made or as revised under regulation 9) may be appealed to a tribunal as though the decision were made on an award of a relevant benefit (within the meaning of section 8(3) of the 1998 Act) under section 8(1)(c) of the 1998 Act.]

#### **Textual Amendments**

**F59** Reg. 10 substituted (29.11.99) by S.I. 1999/3178, Sch. 12, para. 4

### **Correction of accidental errors**

<sup>F60</sup> **11** . . . . .

#### **Textual Amendments**

**F60** Reg. 11 revoked (29.11.99) by S.I. 1999/3178, Sch. 12, para 5

### **Setting aside decisions on certain grounds**

<sup>F61</sup> **12** . . . . .

#### **Textual Amendments**

**F61** Reg. 12 revoked (29.11.99) by S.I. 1999/3178, Sch. 12, para. 5

### **Provisions common to regulation 11 and 12**

<sup>F62</sup> **13** . . . . .

#### **Textual Amendments**

**F62** Reg. 13 revoked (29.11.99) by S.I. 1999/3178, Sch. 12, para. 5

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**Changes to legislation:** There are currently no known outstanding effects for the Fines  
(Deductions from Income Support) Regulations 1992. (See end of Document for details)

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**Manner of making applications or appeals and time limits**

<sup>F63</sup> **14** . . . . .

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**Textual Amendments**  
**F63** Reg. 14 revoked (29.11.99) by S.I. 1999/3178, Sch. 12, para. 5

**Manner and time for the service of notices etc.**

<sup>F64</sup> **15** . . . . .

.....

**Textual Amendments**  
**F64** Reg. 15 revoked (29.11.99) by S.I. 1999/3178, Sch. 12, para. 5

Signed by authority of the Secretary of State for Social Security.

*Alistair Burt*  
Parliamentary Under-Secretary of State,  
Department of Social Security

**Changes to legislation:**

There are currently no known outstanding effects for the Fines (Deductions from Income Support) Regulations 1992.