

SCHEDULE 12

AMENDMENT OF THE FINES (DEDUCTIONS FROM INCOME SUPPORT) REGULATIONS 1992

2. For regulations 4 to 6A(1) (reference to adjudication officer, notification of decision, and deductions from offender's income support or jobseeker's allowance) there shall be substituted the following regulation—

“Deductions from offender's income support 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 or income-based jobseeker's 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 and pay that sum to the court towards satisfaction of the fine or the sum required to be paid by compensation order.

(2) Subject to paragraphs (3) and (4) 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; and
- (b) the amount of contribution-based jobseeker's allowance payable before any deduction under this paragraph is equal to or more than one-third of the age-related amount applicable to the offender under section 4(1)(a) of the Jobseekers Act,

the Secretary of State may deduct a sum from that benefit which is equal to one-third of the age-related amount applicable to the offender under section 4(1)(a) of the Jobseekers Act and pay that sum to the court towards satisfaction of the fine or the sum required to be paid by compensation order.

(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.

(4) Where the sum that would otherwise fall to be deducted under paragraph (2) includes a fraction of a penny, the sum to be deducted shall be rounded down to the next whole penny.

(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

(1) Regulation 4 was substituted by S.I. 1993/495 and amended by S.I. 1996/2344 and 1997/827. Regulation 6 was amended, and regulation 6A was inserted, by S.I. 1996/2344.

Status: *This is the original version (as it was originally made).*

date on which he made the decision and at the same time shall notify the offender of his right of appeal.”.