

2003 No. 3184

MAGISTRATES' COURTS, ENGLAND AND WALES

The Register of Fines Regulations 2003

Made - - - - - 17th December 2003

Laid before Parliament 23rd December 2003

Coming into force - - 26th January 2004

The Lord Chancellor, in exercise of the powers conferred upon him by sections 98 and 108(6) of the Courts Act 2003(a) hereby makes the following Regulations:

Citation, commencement, duration and interpretation

1.—(1) These Regulations may be cited as the Register of Fines Regulations 2003.

(2) These Regulations shall come into force on 26th January 2004 and shall cease to have effect on 31st March 2005.

(3) In these Regulations—

“the Act” means the Courts Act 2003;

“fine” refers to a sum which is, or is treated for the purposes of Part 3 of the Magistrates’ Courts Act 1980(b) as, a sum adjudged to be paid by conviction of magistrates’ court, including any increase, compensation and costs; and

“the Register of Fines” means the register of such sums required to be kept by section 98(1)(e) of the Act in accordance with these Regulations;

“Schedule 5” means Schedule 5 to the Act,

and expressions used in these Regulations which are also used in Schedule 5 have the same meaning as in that schedule.

The Register of Fines

2.—(1) Except where the Register of Fines is to be kept by a body corporate pursuant to section 98(6) of the Act, it shall be kept by the Lord Chancellor and the Keeper of the Register for the purposes of these Regulation shall be the officer of his Department designated by him.

(2) Where the Register of Fines is to be kept by a body corporate pursuant to an agreement with the Lord Chancellor under section 98(6) of the Act references in these Regulations to the Keeper of the Register shall be construed as references to that body corporate.

Form of the Register

3. The Register must, where it is to be kept by a body corporate in accordance with the agreement mentioned in regulation 2(2), be kept at the place and in the manner specified in the agreement.

(a) 2003 c. 39.

(b) 1980 c. 45.

Conditions for the registration of a fine

4. The Keeper of the Register must enter a fine in the Register if, and only if—
 - (a) Schedule 5 applies to the fine;
 - (b) the requirements of that schedule for the registration of the fine in the Register are met; and
 - (c) the Keeper has received notice from the fines officer of the court to that effect.

Details of a fine to be entered in the register

5. If in accordance with regulation 4 a fine must be registered the Keeper of the Register must enter in the Register the following details of the fine—
 - (a) the full name and address (including postcode) and date of birth of the person liable to pay the fine;
 - (b) the date of conviction and imposition of the fine;
 - (c) the amount of the fine;
 - (d) the Crown Court or magistrates' court entering conviction or if different imposing the fine; and
 - (e) the case number.

Correction or cancellation of entry of a fine in the Register

6. If—
 - (a) there has been a mistake as to the identity of the person liable to pay the fine or details of the entry in the Register are otherwise incorrect;
 - (b) the conviction of the court for which the fine was imposed has been set aside or reversed, or the fine imposed has been remitted; or
 - (c) a court has ordered the cancellation of the entry,the fines officer must within 3 working days of becoming aware of the error or the entry of the court decision notify the Keeper of the Register of it and the Keeper must thereupon correct or cancel, as appropriate, the entry of the fine in the Register.

Payment of a fine and removal of entries after 5 years

- 7.—(1) If a fine is paid in full the fines officer must—
 - (a) notify the Keeper of the Register of the payment and the date of it and whether or not it was made within 28 days of the date of registration of the fine; and
 - (b) on receipt from the person liable to pay the fine of an application in writing for a certificate of satisfaction and the fee for it specified in Part I of Schedule 6 to the Magistrates' Courts Act 1980, issue the certificate to that person.
- (2) On the receipt of a notification under paragraph (1)(a) the Keeper of the Register must—
 - (a) if the fines officer notifies him that the fine was paid in full within the period of 28 days of the date of registration of the fine, cancel the entry in respect of the fine in the Register; or
 - (b) if the fines officer notifies him that it was not so paid, enter in the Register a note that the fine was paid in full and the date of payment.
- (3) On the fifth anniversary of the entry of a fine in the Register the Keeper must remove any subsisting entry relating to the fine.
- (4) In this regulation "certificate of satisfaction" means a certificate to the effect that the fine was paid in full on the date specified in the certificate.

Searches of the Register and certified copies

- 8.—(1) The Register must be open to members of the public to require searches to be carried out, and to obtain certified copies of such searches, in accordance with paragraph (2) between the hours of 10 am and 4 pm from Mondays to Fridays inclusive, except on Bank and Public holidays.

- (2) On receipt of a request in writing and the charge payable for—
- (a) a search of the Register to be made for entries against a named person or firm at a stated address or a named corporate body; or
 - (b) a periodical search of the Register to be made for entries relating to any of the following classes of fines—
 - (i) fines imposed by the Crown Court or by magistrates' courts, by each magistrates' court collecting fines;
 - (ii) fines imposed by the Crown Court or by magistrates' courts, by county;
 - (iii) if the Keeper agrees, fines of any other class specified in the request,

the Keeper of the Register must search the Register according to the request and report in writing the result of the search to the person making the request, and on receipt of a request in writing and the charge payable, issue to that person a certified copy of the result of the search.

- (3) In this regulation a reference to “the charge payable” is to—
- (a) the charge made by the officer designated by the Lord Chancellor as Keeper of the Register, fixed by the Lord Chancellor under section 98(4) of the Act, or
 - (b) when the Register is kept by a body corporate, the charge made by the body corporate within the maximum so fixed.

On the authority of the Lord Chancellor

17th December 2003

Christopher Leslie
Parliamentary Under Secretary of State,
Department for Constitutional Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish a register of fines imposed on conviction by the Crown Court and by magistrates' courts ("Register of Fines").

The Register is to be kept by the Lord Chancellor through an officer of his Department designated by him or a body corporate under an agreement with him ("the Keeper of the Register") (Regulation 2).

The condition for the registration of a fine in the Register of Fines by the Keeper of the Register is notification that the registration of the fine is a further step taken by the fines officer responsible for enforcement of the fine under a collection order made by the court in respect of the fine under Schedule 5 to the Courts Act 2003 (Regulation 4).

Provision is made for the cancellation of an entry relating to a fine on payment of the fine in full within the period of 28 days of registration or for a note recording the payment and the date if it is made after that period (Regulation 7(2)).

Entries subsisting in the Register after five years from registration are to be removed (Regulation 7(3)).

Provision is made for members of the public to require searches of the Register to be carried out and to obtain certified copies of the results of the searches (Regulation 8).

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