
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 52

ENFORCEMENT OF FINES

Notice to defendant of fine or forfeited recognizance

52.1.—(1) Where under section 140(1) of the Powers of Criminal Courts (Sentencing) Act 2000⁽¹⁾ or section 67(2) of the Criminal Justice Act 1988⁽²⁾ a magistrates' court is required to enforce payment of a fine imposed or recognizance forfeited by the Crown Court or where a magistrates' court allows time for payment of a sum adjudged to be paid by a summary conviction, or directs that the sum be paid by instalments, or where the offender is absent when a sum is adjudged to be paid by a summary conviction, the magistrates' court officer shall serve on the offender notice in writing stating the amount of the sum and, if it is to be paid by instalments, the amount of the instalments, the date on which the sum, or each of the instalments, is to be paid and the places and times at which payment may be made; and a warrant of distress or commitment shall not be issued until the preceding provisions of this rule have been complied with.

(2) A notice under this rule shall be served by delivering it to the offender or by sending it to him by post in a letter addressed to him at his last known or usual place of abode.

[Note. Formerly rule 46 of the Magistrates' Courts Rules 1981⁽³⁾.]

(1) 2000 c. 6; section 40(1) is amended by paragraph 74(1) and (4) of Part 2 of Schedule 3 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.
(2) 1988 c. 33.
(3) S.I. 1981/552; amending instruments relevant to this Part are S.I. 1983/523, 1988/2132, 1989/384, 1990/1190, 1991/1991, 1992/457, 1992/2072, 1993/1183, 1999/2765, 2001/167, 2001/160 and 2003/1236.