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STATUTORY INSTRUMENTS

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**2005 No. 384**

**The Criminal Procedure Rules 2005**

**PART 52**

**ENFORCEMENT OF FINES**

**Particulars of fine enforcement to be entered in magistrates' court register**

**52.13.**—(1) Where the court on the occasion of convicting an offender of an offence issues a warrant of commitment for a default in paying a sum adjudged to be paid by the conviction or, having power to issue such a warrant, fixes a term of imprisonment under section 77(2) of the Magistrates' Courts Act 1980(1), the reasons for the court's action shall be entered in the register, or any separate record kept for the purpose of recording particulars of fine enforcement.

(2) There shall be entered in the register, or any such record, particulars of any—

- (a) means inquiry under section 82 of the 1980 Act(2);
- (b) hearing under subsection (5) of the said section 82;
- (c) allowance of further time for the payment of a sum adjudged to be paid by a conviction;
- (d) direction that such a sum shall be paid by instalments including any direction varying the number of instalments payable, the amount of any instalments payable and the date on which any instalment becomes payable;
- (e) distress for the enforcement of such a sum;
- (f) attachment of earnings order for the enforcement of such a sum;
- (g) decision of the Secretary of State to make deductions from income support under section 24 of the Criminal Justice Act 1991(3);
- (h) order under the 1980 Act placing a person under supervision pending payment of such a sum;
- (i) order under section 85(1) of the 1980 Act(4) remitting the whole or any part of a fine;
- (j) order under section 120(4) of the 1980 Act(5) remitting the whole or any part of any sum enforceable under that section (forfeiture of recognizance);

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- (1) Section 77(2) was amended by paragraph 50 of Schedule 14 to the Criminal Justice Act 1982 (c. 48), paragraph 66 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), and is further amended by Schedule 7 and paragraphs 58 and 62 of Part II of Schedule 8 to the Criminal Justice and Court Services Act 2000 (c. 43), with effect from a date to be appointed.
- (2) Section 82 was amended by section 61(1), (3) and (4) and paragraph 52(b) of Schedule 14 to the Criminal Justice Act 1982 (c. 48), paragraphs (1) and (2) of Schedule 8 to the Criminal Justice Act 1988 (c. 33), section 55 of and paragraph 10(1) of Schedule 4 to the Crime (Sentences) Act 1997 (c. 43) and is further amended by paragraphs 58 and 63(b) of Part II of Schedule 7 to the Criminal Justice and Court Services Act 2000 (c. 43), Part 7 of Schedule 37 to the Criminal Justice Act 2003 (c. 44), and paragraphs 220(1) and (2) of Schedule 8 to the Courts Act 2003 (c. 39) with effect from dates to be appointed (there are other amendments which are not relevant to this rule).
- (3) 1991 c. 53.
- (4) Section 85(1) substituted by section 61(1) and (5) of the Criminal Justice Act 1988 (c. 44).
- (5) Section 120 was amended by section 55 of the Crime and Disorder Act 1998 (c. 37).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (k) authority granted under section 87(3) of the 1980 Act<sup>(6)</sup> authorising the taking of proceedings in the High Court or county court for the recovery of any sum adjudged to be paid by a conviction;
- (l) transfer of fine order made by the court;
- (m) order transferring a fine to the court;
- (n) order under section 140(1) of the Powers of Criminal Courts (Sentencing) Act 2000<sup>(7)</sup> specifying the court for the purpose of enforcing a fine imposed or a recognizance forfeited by the Crown Court; and
- (o) any fine imposed or recognizance forfeited by a coroner which has to be treated as imposed or forfeited by the court;
- (p) reference by a justice of the peace of an application under section 77(5) of the 1980 Act<sup>(8)</sup> for a review of the terms on which a warrant of commitment is postponed; or
- (q) order under section 77(3) of the 1980 Act<sup>(9)</sup> varying the time for which or the conditions subject to which a warrant of commitment is postponed.

*[Note. Formerly rule 65 of the Magistrates' Courts Rules 1981. As to the requirement to keep a register, see rule 6.1.]*

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(6) Section 87(3) was amended by paragraph 223(1) and (3) of Schedule 8 to the Courts Act 2003 (c. 39).  
(7) 2000 c. 6; section 140(1) is amended by paragraph 71(1) and (4)(a) 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.  
(8) Section 77(5) was inserted by section 61(1) and (2) of the Criminal Justice Act 1988 (c. 44) and is amended by paragraph 218(1) and (2) of Schedule 8 to the Courts Act 2003 (c. 39) with effect from a date to be appointed.  
(9) Section 77(3) was inserted by section 61(1) and (2) of the Criminal Justice Act 1988 (c. 33).