
STATUTORY INSTRUMENTS

2010 No. 60

The Criminal Procedure Rules 2010

PART 52

ENFORCEMENT OF FINES

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

52.12.—(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;

-
- (1) 1980 c. 43; 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) 1980 c. 43; 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 paragraphs 220(1) and (2) of Schedule 8 to the Courts Act 2003 (c. 39). It is further amended by paragraphs 58 and 63 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), with effect from dates to be appointed (there are other amendments which are not relevant to this rule).
- (3) 1991 c. 53; section 24 was amended by section 47(3) of the Criminal Justice and Public Order Act 1994 (c. 33); section 11(1) of, and paragraph 55 of Schedule 1 of the Social Security (Incapacity for Work) Act 1994 (c. 18); section 63 of, and paragraph 30 of Schedule 3 to, the Vehicle Excise and Registration Act 1994 (c. 22), section 41 of, and paragraph 21(3) of Schedule 2, and Schedule 3 to, the Jobseekers Act 1995 (c. 18); section 86 of, and paragraph 55 of Schedule 7 to, the Social Security Act 1998 (c. 14); section 70 of, and paragraph 27 of Schedule 8 to, the Welfare Reform and Pensions Act 1999 (c. 30), section 165 of, and paragraph 136 of Schedule 9 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), section 14 of, and paragraph 31 of Schedule 2 to, the State Pension Credit Act 2002 (c. 16), section 96 of the Courts Act 2003 (c. 39), section 58 of, and paragraph 30 of Schedule 10 to, the Domestic Violence, Crime and Victims Act 2004 (c. 28) and sections 28 and 70 of, and paragraph 8 of Schedule 3 to, the Welfare Reform Act 2007 (c.5).

- (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);
- (k) authority granted under section 87(3) of the 1980 Act(6) 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(7) 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(8) 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(9) varying the time for which or the conditions subject to which a warrant of commitment is postponed.

[Note. For the requirement to keep a register, see rule 5.4.]

(4) 1980 c. 43; section 85(1) substituted by section 61(1) and (5) of the Criminal Justice Act 1988 (c. 44).
 (5) 1980 c. 43; section 120 was amended by section 55 of the Crime and Disorder Act 1998 (c. 37) and section 62 of, and paragraphs 45 and 46 of Schedule 13 to, the Tribunals, Courts and Enforcement Act 2007 (c. 29).
 (6) 1980 c. 43; section 87(3) was amended by section 50 of the Criminal Procedure and Investigations Act 1996 (c. 25) and paragraph 223(1) and (3) of Schedule 8 to the Courts Act 2003 (c. 39).
 (7) 2000 c. 6; section 140(1) was amended by paragraph 74(1) and (4)(b) of Schedule 3 to, the Criminal Justice Act 2003 (c. 44) and it is further amended by amended by paragraph 74(1) and (4)(a) 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) 1980 c. 43; section 77(5) was inserted by section 61 of the Criminal Justice Act 1988 (c. 44) and amended by paragraph 218 of Schedule 8 to the Courts Act 2003 (c. 39).
 (9) 1980 c. 43; section 77(3) was inserted by section 61 (1) and (2) of the Criminal Justice Act 1988 (c. 33).