



Criminal Justice Act 1991

1991 CHAPTER 53

PART I

POWERS OF COURTS TO DEAL WITH OFFENDERS

Financial penalties: supplemental

F121

Textual Amendments

F1 S. 21 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F222

Textual Amendments

F2 S. 22 repealed (20.9.1993) by 1993 c. 36, ss. 65(3)(4), 79(14), Sch. 3 para. 4, **Sch. 6 Pt.I**; S.I. 1993/1968, art. 2(2), **Sch.2**, Appendix.

23 Default in other cases.

- (1) In the [^{F3}Table in] paragraph 1 of Schedule 4 to the 1980 Act (maximum periods of imprisonment for default in paying fines etc.), for the entries relating to amounts not exceeding £5,000 there shall be substituted the following entries—

“An amount not exceeding £200

7 days

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An amount exceeding £200 but not exceeding £500	14 days
An amount exceeding £500 but not exceeding £1,000	28 days
An amount exceeding £1,000 but not exceeding £2,500	45 days
An amount exceeding £2,500 but not exceeding £5,000	3 months”.

(2) For the Table in section 407(1A) of the ^{M1}Criminal Procedure (Scotland) Act 1975 (maximum period of imprisonment for failure to pay fine or find caution) there shall be substituted the following Table—

<i>“Amount of fine or caution</i>	<i>Maximum period of imprisonment</i>
An amount not exceeding £200	7 days
An amount exceeding £200 but not exceeding £500	14 days
An amount exceeding £500 but not exceeding £1,000	28 days
An amount exceeding £1,000 but not exceeding £2,500	45 days
An amount exceeding £2,500 but not exceeding £5,000	3 months
An amount exceeding £5,000 but not exceeding £10,000	6 months
An amount exceeding £10,000 but not exceeding £20,000	12 months
An amount exceeding £20,000 but not exceeding £50,000	18 months
An amount exceeding £50,000 but not exceeding £100,000	2 years
An amount exceeding £100,000 but not exceeding £250,000	3 years
An amount exceeding £250,000 but not exceeding £1 million	5 years
An amount exceeding £1 million	10 years.”

(3) In Schedule 16 (repeals) to the 1988 Act, the entry relating to subsection (8) of section 41 of the ^{M2}Administration of Justice Act 1970 shall cease to have effect; and that subsection (discretion of Crown Court to specify extended period of imprisonment in default of payment of compensation) shall have effect as if that entry had not been enacted.

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Extent Information

E1 S. 23 extends to England and Wales only except as mentioned in s. 102(4) - (6).

Textual Amendments

F3 Words in s. 23(1) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 9 para. 135

Commencement Information

I1 S. 23 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Marginal Citations

M1 1975 c. 21.

M2 1970 c. 31.

24 Recovery of fines etc. by deductions from income support.

- (1) The Secretary of State may by regulations provide that where a fine has been imposed on an offender by a magistrates' court, or a sum is required to be paid by a compensation order which has been made against an offender by such a court, and (in either case) the offender is entitled to income support [^{F4}or a jobseeker's allowance]—
- (a) the court may apply to the Secretary of State asking him to deduct sums from any amounts payable to the offender by way of [^{F5}that benefit], in order to secure the payment of any sum which is or forms part of the fine or compensation; and
 - (b) the Secretary of State may deduct sums from any such amounts and pay them to the court towards satisfaction of any such sum.
- (2) The regulations may include—
- (a) provision that, before making an application, the court shall make an enquiry as to the offender's means;
 - (b) provision allowing or requiring adjudication as regards an application, and provision as to [^{F6}appeals to appeal tribunals constituted under Chapter I of Part I of the Social Security Act 1998 and decisions under section 9 or 10 of that Act];
 - (c) provision as to the circumstances and manner in which and the times at which sums are to be deducted and paid;
 - (d) provision as to the calculation of such sums (which may include provision to secure that amounts payable to the offender by way of income support [^{F7}or a jobseeker's allowance]do not fall below prescribed figures);
 - (e) provision as to the circumstances in which the Secretary of State is to cease making deductions;
 - (f) provision requiring the Secretary of State to notify the offender, in a prescribed manner and at any prescribed time, of the total amount of sums deducted up to the time of notification; and
 - (g) provision that, where the whole amount to which the application relates has been paid, the court shall give notice of that fact to the Secretary of State.

- (3) In subsection (1) above—

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- (a) the reference to a fine having been imposed by a magistrates' court includes a reference to a fine being treated, by virtue of [^{F8}section 140 of the Powers of Criminal Courts (Sentencing) Act 2000], as having been so imposed; and
 - (b) the reference to a sum being required to be paid by a compensation order which has been made by a magistrates' court includes a reference to a sum which is required to be paid by such an order being treated, by virtue of section 41 of the ^{M3}Administration of Justice Act 1970, as having been adjudged to be paid on conviction by such a court.
 - [^{F9}(c) the reference in paragraph (a) to “the court” includes a reference to a court to which the function in that paragraph has been transferred by virtue of a transfer of fine order under section 89(1) or (3) or 90(1)(a) of the 1980 Act (power of magistrates' court to make transfer of fine order) or under section [^{F10}section 222(1)(a) or (b) of the Criminal Procedure (Scotland) Act 1995] (analogous provision as respects Scotland) and a reference to a court to which that function has been remitted by virtue of section 196(2) of the said Act of 1975 (enforcement of fine imposed by High Court of Justiciary).]
- (4) In this section—
- “fine” includes—
- (a) a penalty imposed under [^{F11}section 29 or 37 of the Vehicle Excise and Registration Act 1994] or section 102(3)(aa) of the ^{M4}Customs and Excise Management Act 1979 (penalties imposed for certain offences in relation to vehicle excise licences);
 - (b) an amount ordered to be paid, in addition to any penalty so imposed, under [^{F11}section 30, 36 or 38 of the Vehicle Excise and Registration Act 1994] (liability to additional duty);
 - (c) an amount ordered to be paid by way of costs which is, by virtue of section 41 of the ^{M5}Administration of Justice Act 1970, treated as having been adjudged to be paid on a conviction by a magistrates' court;
- “income support” means income support within the meaning of the ^{M6}Social Security Act 1986, either alone or together with any [^{F12} . . . [^{F13} incapacity] benefit, retirement pension or severe disablement allowance which is paid by means of the same instrument of payment;
- “prescribed” means prescribed by regulations made by the Secretary of State.
- (5) In the application of this section to Scotland—
- (a) references in subsections (1) and (2) above to a magistrates' court shall be construed as references to a court; and
 - (b) in subsection (3) above, for paragraphs (a) and (b) there shall be substituted the following paragraphs—
 - “(a) the reference to a fine having been imposed by a court includes a reference to a fine being treated, by virtue of [^{F14}section 211(4) of the Criminal Procedure (Scotland) Act 1995], as having been so imposed; and
 - (b) the reference to a compensation order having been made by a court includes a reference to such an order being treated, by virtue of [^{F15}section 252 of the Criminal Procedure (Scotland) Act 1995], as having been so made.”

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Textual Amendments

- F4** Words in s. 24(1) inserted (11.6.1996) by 1995 c. 18, s. 41(4), **Sch. 2 para. 21**; S.I. 1996/1509, art. 2, **Sch.**
- F5** Words in s. 24(1)(a) substituted (11.6.1996) by 1995 c. 18, s. 41(4), **Sch. 2 para. 21**; S.I. 1996/1509, art. 2, **Sch.**
- F6** Words in s. 24(2)(b) substituted (18.10.1998 for specified provisions, 29.11.1999 for further specified provisions, otherwise *prosp.*) by 1998 c. 14, s. 86(1), **Sch.7 para. 55**; S.I. 1999/2860, art. 2, **Sch. 1**(with art. 5 and subject to transitional provisions in Schs. 16-18); S.I. 1999/3178, art. 2, **Sch. 1**(subject to transitional provisions in Schs. 21-23)
- F7** Words in s. 24(2)(d) inserted (11.6.1996) by 1995 c. 18, s. 41(4), **Sch. 2 para. 21**; S.I. 1996/1509, art. 2, **Sch.**
- F8** Words in s. 24(3) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 136**
- F9** S. 24(3)(c) inserted (3.2.1995) by 1994 c. 33, s. 47(3); S.I. 1995/127, art. 2(1), **Sch. 1**
- F10** Words in s. 24(3)(c) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 80(2)(c)**
- F11** Words in s. 24(4) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 30** (with s. 57(4))
- F12** Words in s. 24(4) repealed (7.10.1996) by 1995 c. 18, s. 41(5), **Sch. 3**; S.I. 1996/2208, **art. 2**
- F13** Word in s. 24(4) substituted (13.4.1995) by 1994 c. 18, s. 11(1), **Sch. 1 Pt. II para. 55**; S.I. 1994/2926, art. 2, **Sch. Pt. IV**
- F14** S. 24(5)(a): Words in s. 24(3)(a) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 80(2)(a)**
- F15** S. 24(5)(b): Words in s. 24(3)(b) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 80(2)(b)**

Commencement Information

- I2** S. 24 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

- M3** 1970 c. 31.
M4 1979 c. 2.
M5 1970 c. 31.
M6 1986 c. 50.

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