

COURTS ACT 2003

EXPLANATORY NOTES

COMMENTARY

Fees, costs and fines

Part 10: Supplementary provisions and interpretation

320. [Paragraph 43](#) defines 'fines collection regulations' as meaning any regulations made by the Lord Chancellor for the purpose of giving effect to the Schedule.
321. [Paragraph 44](#) enables regulations to modify any statute for the purpose of giving effect to the Schedule. The new measures are to be piloted, and therefore enactments for the implementation of the scheme cannot be permanently modified until completion of the pilots. These powers are required so that the court and the fines officer are given powers enabling the new measures to be tested fully. Once the pilots are finished all amendments to primary legislation will be laid before Parliament by way of affirmative resolution in accordance with section 108.
322. [Paragraph 45](#) will enable provision to be made, by means of the fines collection regulations, for the method of calculating the amounts which are to be deducted from an offender's earnings. The intention is to pilot a fixed table approach to such calculations, similar to that currently in operation for recovering Council Tax from an offender's earning. This approach will greatly simplify the calculation of the amount to be deducted, saving time for both court staff and employers.
323. [Paragraph 46](#) provides that regulations will set out the operational procedures and safeguards applicable to a clamping order being imposed. A clamping order will provide opportunities to pay the fine before the vehicle is sold.
324. [Paragraph 47](#) enables regulations to make provision for cases which are transferred from one area to another where the offender moves to a different address. They will set out a procedure for the information held on a defaulter to be passed to another fines officer in a different area.
325. [Paragraph 48](#) permits a fines officer to request information about an offender's means at any time. This will enable him to make a decision on the approach to take in enforcing the sum. It establishes the offence, punishable by a fine (level 4, up to £2,500) of giving false information to a fines officer or failing to disclose relevant information, similar to an existing offence for providing false information to a court. It also establishes the offence, also punishable by a fine (level 2, up to £500) of failing to provide a statement of his financial circumstances to a fines officer on request (this information will be used to enable an AOE or DFB to be made). The paragraph also specifies the time period within which such proceedings may be taken.
326. [Paragraph 49](#) establishes an offence, punishable by a fine (level 3, up to £1,000) for removal, or attempted removal, of an immobilisation notice or immobilisation device which has been fitted to a vehicle as a further sanction against a fine defaulter.

*These notes refer to the Courts Act 2003 (c.39)
which received Royal Assent on 20 November 2003*

327. Paragraph 50 defines the courts 'standard powers in respect of persons liable to pay fines' as being any power which a magistrates' court would have had if a collection order had not been made, and any power given to the court by virtue of the fines collection regulations made under this Schedule.
328. Paragraph 51 provides that references to the period during which an appeal is pending include the period within which it may be brought (whether or not an appeal is in fact brought).
329. Paragraph 52 defines '10 working days' as being any period of 10 days excluding weekends and public holidays.
330. Paragraph 53 defines 'the magistrates' court' in relation to a collection order as being any magistrates' court acting in the local justice area in which the court which made the collection order was sitting.

Schedule 6: Discharge of fines by unpaid work

331. This Schedule enables a court to allow an offender sentenced to a fine to discharge his sentence by means of unpaid work, where it appears to the court that the amount owing cannot be collected by any of the normally available methods. The court does this by means of making a 'work order'.