



Courts Act 2003

2003 CHAPTER 39

PART 2

JUSTICES OF THE PEACE

Application of receipts of magistrates' courts etc.

38 Application of receipts of designated officers

- (1) The following are to be paid to the Lord Chancellor—
 - (a) fines imposed by a magistrates' court,
 - (b) sums which—
 - (i) become payable by virtue of an order of a magistrates' court, and
 - (ii) are by an enactment made applicable as fines (or any description of fines) imposed by a magistrates' court, and
 - (c) all other sums received by—
 - (i) a designated officer for a magistrates' court, or
 - (ii) a designated officer for a local justice area,in his capacity as such.
- (2) “Fine” includes—
 - (a) any pecuniary penalty, pecuniary forfeiture or pecuniary compensation payable under a conviction, and
 - (b) any pecuniary forfeiture on conviction by, or under any order of, a magistrates' court so far as the forfeiture is converted into or consists of money.
- (3) For the purposes of this section anything done by the Crown Court on appeal from a magistrates' court is to be treated as done by the magistrates' court.
- (4) Any sums received by the Lord Chancellor under this section are to be paid by him into the Consolidated Fund.

Changes to legislation: Courts Act 2003, Cross Heading: Application of receipts of magistrates' courts etc. is up to date with all changes known to be in force on or before 19 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Modifications etc. (not altering text)

- C1** S. 38 modified (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), **ss. 132(6), 416(1)** (with [ss. 2, 398\(1\), 406, Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

39 Limits to requirements about application of receipts

- (1) Section 38(1) is subject to section 139 of the 1980 Act (sums paid on summary conviction applied for payment of compensation and costs).
- (2) Paragraphs (a) and (b) of section 38(1) do not apply to sums which, by or under any enactment, are directed to be paid to—
 - (a) the Commissioners of Customs and Excise, or
 - (b) officers of, or persons appointed by, the Commissioners.
- (3) Those paragraphs also do not apply to sums which, by or under any enactment, are directed—
 - (a) to be paid to or for the benefit of—
 - (i) the party aggrieved or injured or a person described in similar terms, or
 - (ii) the family or relatives of a person described in any such terms or of a person dying in consequence of an act or event which constituted or was the occasion of an offence,
 - (b) to be applied in making good any default or repairing any damage or reimbursing any expenses (other than those of the prosecution), or
 - (c) to be paid to any person, if the enactment refers in terms to awarding or reimbursing a loss or to damages, compensation or satisfaction for loss, damage, injury or wrong.
- (4) Paragraph (c) of section 38(1) does not apply to—
 - (a) sums to which a person other than the Lord Chancellor is by law entitled and which are paid to that person, or
 - (b) sums received by a designated officer on account of his salary or expenses as such.
- (5) Any sum paid to the Lord Chancellor by virtue of paragraph (c) of section 38(1) is to be paid to him subject to being repaid to any person establishing his title to it.

40 Regulations about payments, accounting and banking by designated officers

- (1) The Lord Chancellor may, with the concurrence of the Treasury, make regulations—
 - (a) as to the times at which, and the manner in which, a designated officer is to pay sums payable by him in his capacity as such to the Lord Chancellor or any other person,
 - (b) requiring the keeping of accounts by designated officers in respect of sums received by them,
 - (c) as to the production, inspection and audit of accounts required to be kept, and
 - (d) requiring designated officers to use—
 - (i) specified banking arrangements or facilities, or
 - (ii) banking arrangements or facilities of a specified description,

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in relation to sums received by them.

- (2) Regulations under this section may make different provision in relation to different descriptions of designated officer.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 75(6) inserted by [2022 c. 35 Sch. 4 para. 3\(2\)](#)
- s. 76(2B) inserted by [2010 c. 26 Sch. 3 para. 14](#) (This amendment not applied to legislation.gov.uk. Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by 2013 c. 22, s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 81(6) inserted by [2022 c. 35 Sch. 4 para. 3\(3\)](#)
- s. 85EA(5) words substituted by [2022 c. 32 Sch. 11 para. 29](#)
- Sch. 5 para. 13(1)(ca) inserted by [2013 c. 22 s. 26\(3\)](#)

Commencement Orders yet to be applied to the Courts Act 2003

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2005/547 art. 2](#) commences (2003 c. 39)