

Changes to legislation: Courts Act 2003, Part 10 is up to date with all changes known to be in force on or before 06 June 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

SCHEDULES

SCHEDULE 5

COLLECTION OF FINES ^[F1] AND OTHER SUMS IMPOSED ON CONVICTION]

Textual Amendments

- F1** Sch. 5: words in heading inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, 5 (with transitional provision in art. 3)

Modifications etc. (not altering text)

- C1** Sch. 5 applied (with modifications) (temp. from 23.3.2004 for certain purposes, 29.3.2004 for certain further purposes, 5.4.2004 for all purposes to 31.3.2006) by [S.I. 2004/175](#), arts. 1-3, Sch. (as amended by [S.I. 2004/1406](#), arts. 3, 4; [S.I. 2005/487](#), arts. 4-6; [S.I. 2005/642](#), art. 2; [S.I. 2005/2410](#), art. 2; [S.I. 2005/3166](#), art. 2)
- C1** Sch. 5 modified (temp. from 27.3.2006 to 2.7.2006) by [The Collection of Fines \(Pilot Scheme\) and Discharge of Fines by Unpaid Work \(Pilot Schemes\) \(Amendment\) Order 2006 \(S.I. 2006/502\)](#), arts. 1(1)(b)(2), 5 (with transitional provision in art. 4)
- C1** Sch. 5 restricted (prosp.) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 56-58, 173(4)
- C1** Sch. 5 applied (1.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 85(7)(b), 153; [S.I. 2009/2606](#), art. 2(f)

PART 10

SUPPLEMENTARY PROVISIONS

Fines collection regulations

- 43 In this Schedule “fines collection regulations” means regulations made by the Lord Chancellor for the purpose of giving effect to this Schedule.

Commencement Information

- II** Sch. 5 para. 43 wholly in force at 5.4.2004; Sch. 5 para. 43 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 43 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. 4(a); Sch. 5 para. 43 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. 4(b); Sch. 5 para. 43 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. 4(c)

- 44 (1) Fines collection regulations may, for the purpose of giving effect to this Schedule and section 97 so far as it relates to this Schedule, make provision modifying (or applying with modifications) any enactment which relates to fines or the enforcement of payment of sums falling within paragraph ^[F1]1 .
- (2) The enactments which may be so modified (or applied with modifications) include enactments containing offences.

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(3) Fines collection regulations may make different provision for different cases.

Textual Amendments

F1 Words in Sch. 5 para. 44(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **30**

Commencement Information

I2 Sch. 5 para. 44 wholly in force at 5.4.2004; Sch. 5 para. 44 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 44 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. **4(a)**; Sch. 5 para. 44 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. **4(b)**; Sch. 5 para. 44 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. **4(c)**

45 Fines collection regulations may, for the purpose of giving effect to the powers to make attachment of earnings orders, make provision as to the method for calculating the amounts which are to be deducted from P’s earnings.

Commencement Information

I3 Sch. 5 para. 45 wholly in force at 5.4.2004; Sch. 5 para. 45 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 45 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. **4(a)**; Sch. 5 para. 45 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. **4(b)**; Sch. 5 para. 45 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. **4(c)**

46 (1) Fines collection regulations may, for the purpose of giving effect to the powers to make clamping orders and to order the sale of clamped motor vehicles, make provision in connection with—

- (a) the fitting of immobilisation devices;
- (b) the fitting of immobilisation notices to motor vehicles to which immobilisation devices have been fitted;
- (c) the removal and storage of motor vehicles;
- (d) the release of motor vehicles from immobilisation devices or from storage (including the conditions to be met before the vehicle is released);
- (e) the sale or other disposal of motor vehicles not released.

(2) Fines collection regulations must provide that an immobilisation device may not be fitted to a vehicle—

- (a) which displays a current disabled person’s badge [^{F2}; or a current recognised badge] , or
- (b) in relation to which there are reasonable grounds for believing that it is used for the carriage of a disabled person.

(3) In this Schedule—

“disabled person’s badge” means a badge issued, or having effect as if issued, under regulations made under section 21 of the Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by disabled persons);

“immobilisation device” has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984 (immobilisation of vehicles illegally parked);

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“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, except that section 189 of the Road Traffic Act 1988 (exceptions for certain vehicles) applies for the purposes of this Schedule as it applies for the purposes of the Road Traffic Acts.

[^{F3}“recognised badge” has the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970 (recognition of badges issued outside Great Britain).]

Textual Amendments

- F2** Words in Sch. 5 para. 46(2)(a) inserted (30.6.2005 for E. and 30.3.2008 for W.) by [Disability Discrimination Act 2005 \(c. 13\), ss. 19\(1\), 20\(3\)\(6\)](#) {Sch 1 para. 47(1)(2)}; [S.I. 2005/1676, art. 3\(c\)](#); [S.I. 2007/3285, art. 2\(b\)](#)
- F3** Words in Sch. 5 para. 46(3) inserted (30.6.2005 for E. and 30.3.2008 for W.) by [Disability Discrimination Act 2005 \(c. 13\), ss. 19\(1\), 20\(3\)\(6\)](#), [Sch. 1 para. 47\(1\)\(3\)](#); [S.I. 2005/1676, art. 3\(c\)](#); [S.I. 2007/3285, art. 2\(b\)](#)

Commencement Information

- I4** Sch. 5 para. 46 wholly in force at 5.4.2004; Sch. 5 para. 46 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 46 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 46 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 46 in force for all purposes at 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

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^{F4}

Textual Amendments

- F4** Words in Sch. 5 para. 47 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\), arts. 1, 31](#)

Commencement Information

- I5** Sch. 5 para. 47 wholly in force at 5.4.2004; Sch. 5 para. 47 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 47 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 47 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 47 in force for all purposes at 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

Offences of providing false information, failing to disclose information etc.

- 48 (1) P commits an offence if, in providing a statement of [^{F5}financial circumstances (whether a statement of assets, of other financial circumstances or of both)] to a fines officer in response to a relevant request, he—
- makes a statement which he knows to be false in a material particular,
 - recklessly provides a statement which is false in a material particular, or
 - knowingly fails to disclose any material fact.
- (2) A person guilty of an offence under sub-paragraph (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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- (3) P commits an offence if he fails to provide a [^{F6} fines officer with a statement of financial circumstances (whether a statement of assets, of other financial circumstances or of both) requested by] a relevant request.
- (4) A person guilty of an offence under sub-paragraph (3) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) A relevant request is a request for information about P's financial circumstances [^{F7} (whether about P's assets, P's other financial circumstances or both)] which—
- (a) is made by a fines officer, and
 - (b) is expressed to be made for the purpose of determining whether or how the fines officer should vary the payment terms (or the reserve terms) of a collection order in P's favour.
- (6) Proceedings in respect of an offence under this paragraph may be commenced at any time within—
- (a) 2 years from the date of the commission of the offence, or
 - (b) 6 months from its first discovery by the prosecutor,
- whichever ends first.

Textual Amendments

- F5** Words in Sch. 5 para. 48(1) substituted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 16 para. 28\(2\)\(a\)](#); S.I. 2013/2981, art. 2(d)
- F6** Words in Sch. 5 para. 48(3) substituted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 16 para. 28\(2\)\(b\)](#); S.I. 2013/2981, art. 2(d)
- F7** Words in Sch. 5 para. 48(5) inserted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 16 para. 28\(2\)\(c\)](#); S.I. 2013/2981, art. 2(d)

Commencement Information

- I6** Sch. 5 para. 48 wholly in force at 5.4.2004; Sch. 5 para. 48 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 48 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 48 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 48 in force for all purposes at 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

Offence of meddling with vehicle clamp

- 49 (1) A person commits an offence if he removes or attempts to remove—
- (a) an immobilisation device, or
 - (b) an immobilisation notice,
- fitted or fixed to a motor vehicle in accordance with a clamping order made under a further steps notice or under paragraph 39(3)(b) (powers of court ^{F8} . . .).
- (2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Textual Amendments

- F8** Words in Sch. 5 para. 49(1) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\), arts. 1, 32](#)

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Commencement Information

- I7** Sch. 5 para. 49 wholly in force at 5.4.2004; Sch. 5 para. 49 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 49 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 49 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 49 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

[^{F9}Meaning of “standard powers in respect of persons liable to pay fines or other sums”]

Textual Amendments

- F9** Sch. 5 para. 50 and heading substituted (3.7.2006) by The Collection of Fines (Final Scheme) Order ([S.I. 2006/1737](#)), arts. 1, {33}

- [^{F10}50** In this Schedule “standard powers in respect of persons liable to pay fines or other sums” means any power that a magistrates' court would have had if P had not been subject to a collection order but had been liable to pay the sum due.]

Textual Amendments

- F10** Sch. 5 para. 50 and heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **33**

Commencement Information

- I8** Sch. 5 para. 50 wholly in force at 5.4.2004; Sch. 5 para. 50 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 50 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 50 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 50 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Meaning of references to pending appeals

- 51** For the purposes of this Schedule the period during which an appeal under this Schedule is pending is to be treated as including the period within which the appeal may be brought (regardless of whether it is in fact brought).

Commencement Information

- I9** Sch. 5 para. 51 wholly in force at 5.4.2004; Sch. 5 para. 51 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 51 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 51 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 51 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Meaning of “10 working days”

- 52** In this Schedule “10 working days” means any period of 10 days not including—
- (a) Saturday or Sunday,
 - (b) Christmas Day or Good Friday, or
 - (c) any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.

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I10 Sch. 5 para. 52 wholly in force at 5.4.2004; Sch. 5 para. 52 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 52 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 52 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 52 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

Meaning of “the magistrates' court”

53 In this Schedule “the magistrates' court”, in relation to a collection order, means any magistrates' court acting in the local justice area in which the court which made the order was sitting.

Commencement Information

I11 Sch. 5 para. 53 wholly in force at 5.4.2004; Sch. 5 para. 53 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 53 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 53 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 53 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

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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](#))