

Changes to legislation: Courts Act 2003, Part 6 is up to date with all changes known to be in force on or before 22 May 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 **E+W+N.I.**

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 6 **E+W**

VARIATION OF COLLECTION ORDERS CONTAINING PAYMENT TERMS

Application of Part

^[F1]^[F2](1) This Part applies if—

- (a) the court has made a collection order, and
- (b) the order contains payment terms but does not contain reserve terms.

^[F3](2) This Part also applies if a person (“P”) has been given a notice of conviction and penalty (within the meaning of section 16L of the Magistrates’ Courts Act 1980).

(3) In the application of this Part in such a case—

- (a) “collection order” means the notice of conviction and penalty;
- (b) a reference to the collection order being made is a reference to the notice of conviction and penalty being given;
- (c) “payment terms” means the requirements as to the time and manner of payment imposed under section 16L(2)(c) of the Magistrates’ Courts Act 1980.]]

Changes to legislation: Courts Act 2003, Part 6 is up to date with all changes known to be in force on or before 22 May 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

Textual Amendments

- F1** Sch. 5 para. 21 substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 56\(2\), 95\(1\); S.I. 2015/778, art. 3, Sch. 1 para. 46](#)
- F2** Sch. 5 para. 21 renumbered as Sch. 5 para. 21(1) (7.11.2023) by [Judicial Review and Courts Act 2022 \(c. 35\), s. 51\(4\), Sch. 2 para. 3\(7\)\(a\); S.I. 2023/1194, reg. 2\(e\)](#)
- F3** Sch. 5 para. 21(2)(3) inserted (7.11.2023) by [Judicial Review and Courts Act 2022 \(c. 35\), s. 51\(4\), Sch. 2 para. 3\(7\)\(b\); S.I. 2023/1194, reg. 2\(e\)](#)

Application to fines officer for variation of order or attachment of earnings order etc.

22 ^{F4}(1)

- (2) [^{F5}P may at any time apply to the fines officer under this paragraph for] —
- (a) the payment terms to be varied, or
 - (b) an attachment of earnings order or application for benefit deductions to be made.

- (3) No application may be made under sub-paragraph (2)(a) unless—
- (a) there has been a material change in P's circumstances since the collection order was made (or the payment terms were last varied under this paragraph), or
 - (b) P is making further information about his circumstances available.

- (4) On an application under sub-paragraph (2)(a), the fines officer may decide—
- (a) to vary the payment terms ^{F6}..., or
 - (b) not to vary them.

[^{F7}(4A) The fines officer may not vary the payment terms under sub-paragraph (4)(a) so that they are less favourable to P without P's consent.]

- (5) On an application under sub-paragraph (2)(b), the fines officer may decide—
- (a) to make an attachment of earnings order or application for benefit deductions, or
 - (b) not to do so.

- (6) If he decides to make an order or application he must vary the collection order so that it states reserve terms.

[^{F8}(7) The fines officer may not vary the order so that it states reserve terms which are less favourable to P than the payment terms without P's consent.]

- (8) A decision of the fines officer under this paragraph must be in writing, dated and delivered to P.

- (9) Subject to paragraph 23, the effect of—
- (a) a decision under sub-paragraph (4)(a), and
 - (b) a variation under sub-paragraph (6),
- is that the collection order has effect as varied by the fines officer.

Changes to legislation: Courts Act 2003, Part 6 is up to date with all changes known to be in force on or before 22 May 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

Textual Amendments

- F4** Sch. 5 para. 22(1) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 56\(3\)\(a\)](#), [95\(1\)](#); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 46](#)
- F5** Words in Sch. 5 para. 22(2) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 56\(3\)\(b\)](#), [95\(1\)](#); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 46](#)
- F6** Words in Sch. 5 para. 22(4)(a) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 56\(3\)\(c\)](#), [95\(1\)](#); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 46](#)
- F7** Sch. 5 para. 22(4A) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 56\(3\)\(d\)](#), [95\(1\)](#); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 46](#)
- F8** Sch. 5 para. 22(7) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 56\(3\)\(e\)](#), [95\(1\)](#); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 46](#)

Commencement Information

- I1** Sch. 5 para. 22 wholly in force at 5.4.2004; Sch. 5 para. 22 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 22 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 22 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 22 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Appeal against decision of fines officer

- 23 (1) P may, within 10 working days from the date of a decision under paragraph 22, appeal to the magistrates' court against the decision.
- (2) On an appeal under this paragraph the magistrates' court may—
- confirm or vary the payment terms (or the reserve terms),
 - if the appeal is against a decision on an application under paragraph 22(2) (b) or if P consents, make an attachment of earnings order or an application for benefit deductions, or
 - discharge the collection order and exercise any of its standard powers in respect of persons liable to pay fines.
- (3) If the court makes an attachment of earnings order or an application for benefit deductions, it must vary the collection order so that it states reserve terms.

Commencement Information

- I2** Sch. 5 para. 23 wholly in force at 5.4.2004; Sch. 5 para. 23 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 23 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 23 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 23 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Nature of power to vary terms of collection order

- 24 (1) A power to vary the payment terms of a collection order includes power to—
- substitute terms requiring P to pay by specified instalments on or before specified dates for a term requiring P to pay within a specified period, or
 - substitute a term requiring P to pay within a specified period for terms requiring P to pay the sum due by specified instalments on or before specified dates.

Changes to legislation: Courts Act 2003, Part 6 is up to date with all changes known to be in force on or before 22 May 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

- (2) Subject to sub-paragraph (1), a power to vary the payment terms of a collection order under which the sum due is required to be paid within a specified period is a power to vary the date on or before which the sum due is to be paid.
- (3) Subject to sub-paragraph (1), a power to vary the payment terms of a collection order under which the sum due is required to be paid by specified instalments on or before specified dates is a power to vary—
- (a) the number of instalments payable;
 - (b) the amount of any instalment;
 - (c) the date on or before which any instalment is required to be paid.
- (4) This paragraph applies in relation to the variation of the reserve terms as it applies in relation to the payment terms.

Commencement Information

- I3** Sch. 5 para. 24 wholly in force at 5.4.2004; Sch. 5 para. 24 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 24 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 24 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 24 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

[F9] Meaning of “in default on a collection order”

Textual Amendments

- F9** Sch. 5 para. 24A inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), [arts. 1, 18](#)

- 24A For the purposes of this Schedule, P is in default on a collection order if he fails to pay any amount due under the payment terms (or, if they have effect, the reserve terms) on or before the date on which it is required to be paid.]

Changes to legislation:

Courts Act 2003, Part 6 is up to date with all changes known to be in force on or before 22 May 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.

[View outstanding changes](#)

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](#))