



# Criminal Justice Act 1948

## 1948 CHAPTER 58

### PART I

#### POWERS AND PROCEEDINGS OF COURTS.

##### *Fines and recognizances.*

#### **13 Power to fine on conviction of felony on indictment.**

Any court before which an offender is convicted on indictment of felony (not being a felony the sentence for which is fixed by law) shall have power to fine the offender in lieu of or in addition to dealing with him in any other manner in which the court has power to deal with him.

#### **14 Powers of courts of assize and quarter sessions in relation to fines and forfeited recognizances.**

- (1) Subject to the provisions of this section, where a fine is imposed by, or a recognizance is forfeited before, a court of assize or quarter sessions, an order may be made in accordance with the provisions of this section—
- (a) allowing time for the payment of the amount of the fine or the amount due under the recognizance;
  - (b) directing payment of the said amount by instalments of such amounts and on such dates respectively as may be specified in the order;
  - (c) fixing a term of imprisonment which the person liable to make the payment is to undergo if any sum which he is liable to pay is not duly paid or recovered;
  - (d) in the case of a recognizance, discharging the recognizance or reducing the amount due thereunder:

Provided that any term of imprisonment fixed under this subsection in default of payment of a fine shall not exceed twelve months.

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- (2) Any order under this section may be made by the court by which the fine is imposed or before which the recognizance is forfeited; and (subject as hereinafter provided) an order under this section providing for any such matters as are mentioned in paragraph (a) or paragraph (b) of the foregoing subsection may be made—
- (a) where the fine was imposed or the recognizance forfeited by or before the Central Criminal Court, by a judge of that court upon application made in writing to the clerk of the court;
  - (b) where the fine was imposed or the recognizance forfeited by or before any other court of assize, by a judge of the High Court upon application made in writing to the clerk of assize;
  - (c) where the fine was imposed or the recognizance forfeited by or before a court of quarter sessions, by the chairman or any deputy chairman of that court, or by the recorder or any deputy recorder, as the case may be, upon application made in writing to the clerk of the peace;

and may amend any previous order made under this section so far as it provides for those matters:

Provided that no application shall be made under paragraphs (a) to (c) of this subsection after the refusal of a previous application made thereunder.

- (3) Where any person liable for the payment of a fine or a sum due under a recognizance to which this section applies is sentenced by the court to, or is serving or otherwise liable to serve, a term of imprisonment, the court may order that any term of imprisonment fixed under paragraph (c) of subsection (1) of this section shall not begin to run until after the end of the first-mentioned term of imprisonment.
- (4) The power conferred by this section to discharge a recognizance or reduce the amount due thereunder shall be in addition to the powers conferred by any other Act relating to the discharge, cancellation, mitigation or reduction of recognizances or sums forfeited thereunder.
- (5) This section shall not apply to a fine imposed by a court of quarter sessions on appeal against a decision of a court of summary jurisdiction.

## **15 Incidental provisions as to fines and forfeited recognizances.**

- (1) Any order made under the last foregoing section before the enrolment of the fine or recognizance under section thirty-two of the Queen's Remembrancer Act, 1859, or section two of the Levy of Fines Act, 1822, shall be enrolled under the said section thirty-two or the said section two, as the case may be:

Provided that—

- (a) if the order is for the discharge of a recognizance, neither the order nor the recognizance shall be enrolled as aforesaid; and
  - (b) if the order is for the reduction of the amount due under a recognizance, the reduced amount shall be deemed to be the amount forfeited under the recognizance and shall be enrolled as aforesaid.
- (2) Where application is duly made for an order under the last foregoing section after the enrolment of the fine or recognizance as aforesaid, the clerk to whom the application is made shall give notice thereof to the officer responsible for the recovery of the fine or the amount due under the recognizance, and shall give the like notice of any decision thereon.

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- (3) Where an order under the last foregoing section allowing time for the payment of the amount of the fine or the amount due under the recognizance, or directing payment of the said amount by instalments, is enrolled under subsection (1) of this section, or notice of the making of any such order is given to the officer responsible for the recovery of the fine or the amount due under the recognizance in accordance with the provisions of the last foregoing subsection, that officer shall not exercise his powers until there is a default in complying with the order.
- (4) Where any such order as aforesaid is made directing payment by instalments of a fine or the amount due under a recognizance, and default is made in the payment of any one instalment, the same proceedings may be taken as if default had been made in payment of all the instalments then remaining unpaid.
- (5) Where any such order as aforesaid is made fixing a term of imprisonment in default of payment of a fine or the amount due under a recognizance, then—
  - (a) on payment of the fine or the said amount to the officer responsible for the recovery thereof, or (if the person in respect of whom the order was made is in prison) to the governor of the prison, the order shall cease to have effect; and, if the said person is in prison and is not liable to be detained for any other cause, he shall forthwith be discharged;
  - (b) on payment to the said officer or to the governor of the prison of a part of the fine or of the amount due under the recognizance, the total number of days in the term of imprisonment shall be reduced proportionately, that is to say, by such number of days as bears to the said total number of days less one day the proportion most nearly approximating to, without exceeding, the proportion which the part paid bears to the amount of the fine or the amount due under the recognizance.
- (6) Any sums received by the governor of a prison under the last foregoing subsection shall be paid by him to the officer responsible for the recovery of sums due in respect of the fine or the recognizance.