



Fines Act 1833

1833 CHAPTER 99 3 and 4 Will 4

An Act
F1 for the more speedy Return and Recovery of Fines Issues, forfeited Recognizances, Penalties, and Deodands
F1

[29th August 1833]

Textual Amendments

F1 Words omitted under authority of [Statute Law Revision \(No. 2\) Act 1888 \(c. 57\)](#)

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 References to Court of King's Bench, Court of Common Pleas, Court of Exchequer and Court of Chancery to be construed as references to the High Court: [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), ss. 18, 224\(1\)](#)
- C3 Preamble omitted under authority of [Statute Law Revision Act 1890 \(c. 33\)](#)

1—22. F2

Textual Amendments

F2 S. 1 and ss. 14-22 repealed by [Statute Law Revision Act 1874 \(c. 35\)](#)
Ss. 2-7 and ss. 9-11 repealed by [Sheriffs Act 1887 \(c. 55\), s. 39, Sch. 3](#)
S. 8 repealed by [Queen's Remembrancer Act 1859 \(22 & 23 Vict. c. 21\), s. 28](#)
Ss. 12, 13 repealed by [Crown Estate Act 1961 \(c. 55\), Sch. 3 Pt. I](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Fines Act 1833 (repealed). (See end of Document for details)

23 Clerk of Parliament to return to Treasury or to commissioners an account of fines set in the House of Lords;

The clerk of the Parliament shall, within fourteen days next after every session of Parliament, make out an account of all and every fines or fine which shall or may be set or imposed, and also of all recognizances ordered to be estreated, by the lords spiritual and temporal in Parliament assembled during such preceding session of Parliament, with the names and residences of the parties, and distinguishing such of the said fines as shall have been received, and transmit the same to the [^{F3}Lord Chancellor], and also a duplicate thereof to the said commissioners for auditing the public accounts, and also shall, within the time aforesaid, certify and estreat all such fines as shall not have been received by him in and into his Majesty's Court of Exchequer.

Textual Amendments

F3 Words substituted by [S.I. 1976/229, art. 4\(a\)](#)

24 and pay fines received as Treasury shall direct.

All fines which shall be received by the said clerk of the Parliament shall be paid by him to such person or persons, at such times, and in such manner, as the [^{F4}Lord Chancellor] shall by warrant direct.

Textual Amendments

F4 Words substituted by [S.I. 1976/229, art. 4\(a\)](#)

25 Clerk of House of Commons to make return of all recognizances.

The clerk of the House of Commons shall, within fourteen days next after every session of Parliament, make out an account of all recognizances certified by the speaker of the said House or estreated by him into the Exchequer, with the names and residences of the parties, and transmit the same to the [^{F5}Lord Chancellor], and also a duplicate thereof to the said commissioners for auditing the public accounts.

Textual Amendments

F5 Words substituted by [S.I. 1976/229, art. 4\(a\)](#)

Modifications etc. (not altering text)

C4 Functions of Commissioners for auditing the public accounts under s. 25 now exercisable by Comptroller and Auditor-General: [Exchequer and Audit Departments Act 1866 \(c. 39\), s. 5](#)

26 Account of fines in King's Bench, Common Pleas, and Exchequer to be transmitted to Treasury and to commissioners of audit.

The King's coroner and attorney of his Majesty's Court of King's Bench and the prothonotaries of his Majesty's Court of Common Pleas, and his Majesty's remembrancer of the Court of Exchequer, and also the masters and prothonotaries of the office of pleas in the same court, respectively, shall on the first day of every term

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Fines Act 1833 (repealed). (See end of Document for details)

make out an account of all fines, issues, amerciaments, penalties, and recognizances set, lost, imposed, or forfeited to or for the use of his Majesty in the said courts respectively, and not before estreated, with the names and residences of the parties, and distinguishing such as shall have been paid, and transmit the same to the [^{F6}Lord Chancellor], and also a duplicate thereof to the said commissioners for auditing the public accounts.

Textual Amendments

F6 Words substituted by [S.I. 1976/229, art. 4\(a\)](#)

Modifications etc. (not altering text)

- C5** Functions of King's-Coroner and attorney of his Majesty's Court of King's Bench now exercisable by Queen's coroner and attorney and master of the Crown office: [Supreme Court of Judicature \(Officers\) Act 1879 \(c. 78\), ss. 5, 8, 9\(2\)](#), [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), s. 106\(2\)](#) and [Courts Act 1971 \(c. 23\), s. 26\(2\)](#)
- C6** Functions of prothonotaries of his Majesty's Court of Common Pleas and of masters and prothonotaries of the office of pleas in the Court of Exchequer now exercisable by Masters of the Supreme Court: [Superior Courts \(Officers\) Act 1837 \(c. 30\), ss. 1, 5](#), [Supreme Court of Judicature Act 1873 \(c. 66\), s. 77](#) and [Supreme Court of Judicature \(Officers\) Act 1879 \(c. 78\), ss. 6, 8](#)
- C7** Functions of his Majesty's remembrancer of the Court of Exchequer now exercisable by Queen's Remembrancer (the senior master of the Queen's Bench Division): [Queen's Remembrancer Act 1859 \(22 & 23 Vict. c. 21\), s. 1](#), [Supreme Court of Judicature Act 1873 \(c. 66\), s. 77](#), [Supreme Court of Judicature \(Officers\) Act 1879 \(c. 78\), ss. 6, 8](#) and [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), s. 122](#)
- C8** Functions of commissioners for auditing the public accounts under s. 26 now exercisable by Comptroller and Auditor-General: [Exchequer and Audit Departments Act 1866 \(c. 39\), s. 5](#)

27 Unpaid fines to be estreated.

The said coroner and attorney of his Majesty's Court of King's Bench, the prothonotaries of the Court of Common Pleas, and the master and prothonotaries of the office of pleas, and King's remembrancer, respectively, shall, on the first day of every term, and at such other time or times as they shall respectively be ordered or required so to do by any order of the said courts respectively or by the order of any judge or baron thereof, certify and estreat all such fines, issues, amerciaments, penalties, and recognizances set, lost, imposed, or forfeited as aforesaid, and not received by them respectively, in and into the said Court of Exchequer.

28 Fines, &c. received to be paid as Treasury shall direct.

All such fines, issues, amerciaments, penalties, and recognizances set, lost, imposed, or forfeited as aforesaid which shall be received by any of the said officers of the said court of King's Bench, Common Pleas, or Exchequer, shall be paid by them respectively to such officer or officers or to such person or persons entitled thereto, and at such times and in such manner as the [^{F7}Lord Chancellor] shall by warrant
^{F8} direct.

Textual Amendments

F7 Words substituted by [S.I. 1976/229, art. 4\(a\)](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Fines Act 1833 (repealed). (See end of Document for details)

F8 Words repealed by [Statute Law Revision Act 1890 \(c. 33\)](#)

29 ^{F9}

Textual Amendments

F9 S. 29 repealed by [Criminal Justice Act 1948 \(c. 58\)](#), **Sch. 10 Pt. I**

30 **Where fines, &c. are now estreated upon oath, such oath may be taken before a judge, &c.**

Provided always, that in all cases where any fines, issues, recognizances, penalties, forfeitures, or deodands are required by any Act or Acts now in force to be estreated, upon oath, in or into the Court of Exchequer, such oath shall and may be sworn and taken before a judge of any of his Majesty’s superior courts of record at Westminster, or before any commissioners for taking affidavits in the same courts, or before any master extra-ordinary in the High Court of Chancery, or before any of his Majesty’s justices of the peace; and every such estreat shall be transmitted to and filed with his Majesty’s remembrancer of the said Court of Exchequer, and received and entered by him without fee or reward.

Modifications etc. (not altering text)

- C9** References to Westminster as locality of superior courts of record to be construed as references to Royal Courts of Justice: [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\)](#), **s. 224(1)**
- C10** Functions of masters extraordinary in the High Court of Chancery now exercisable by solicitors holding a practising certificate: the act 16 & 17 Vict. c. 78, ss. 1, 2, [Commissioners for Oaths Act 1889 \(c. 10\)](#), **s. 1** and [Solicitors Act 1974 \(c. 47\)](#), **s. 81(1)**
- C11** Functions of his Majesty's remembrancer of the Court of Exchequer now exercisable by Queen's Remembrancer (the senior master of the Queen's Bench Division): [Queen's Remembrancer Act 1859 \(22 & 23 Vict. c. 21\)](#), **s. 1**, [Supreme Court of Judicature Act 1873 \(c. 66\)](#), **s. 77**, [Supreme Court of Judicature \(Officers\) Act 1879 \(c. 78\)](#), **ss. 6, 8** and [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\)](#), **s. 122**

31 **Accounts of estreats to be transmitted to Treasury and to commissioners of audit.**

His Majesty’s remembrancer^{F10} shall, on or before the first seal day next after every term, make out an account in writing of all fines, issues, amerciaments, penalties, forfeited recognizances, and deodands estreated during the preceding vacation and term, and also of all returns within the same period of sheriffs to process issued for the purpose of levying any estreated fines, issues, amerciaments, penalties, forfeited recognizances, and deodands, and shall, within the time last aforesaid, transmit and send one copy of such account to the [^{F11}Lord Chancellor]^{F12}

Textual Amendments

- F10** Words repealed by [Statute Law Revision \(No. 2\) Act 1888 \(c. 57\)](#)
- F11** Words substituted by [S.I. 1976/229](#), **art. 4(a)**

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Fines Act 1833 (repealed). (See end of Document for details)

F12 Words repealed by [Queen's Remembrancer Act 1859 \(c. 21\)](#), **s. 29**

32 Process to be issued every term, or oftener, to levy estreats.

His Majesty's said remembrancer shall, on the first seal day next after every term, and also at any other time or times when required by the Court of Exchequer or by the fiat or order of any baron thereof, make out and issue, or cause to be made out and issued, according to the practice of the Court of Exchequer, and without fee or reward, process for duty levying and enforcing payment of all such fines, issues, americiaments, penalties, forfeited recognizances, and deodands estreated as aforesaid (except as herein-after mentioned), which shall not theretofore have been levied, recovered, vacated, or discharged, and so from time to time until the same shall be fully paid or levied, vacated or discharged.

33 Power to Treasury to stay process, and discharge the fines, &c.

It shall be lawful for the [^{F13}Lord Chancellor], and ^{F14}[^{F15}he is] hereby authorized, by warrant ^{F14} directed to the proper officer or officers, to stay the issuing or execution of all or any process touching any of the matters set, lost, imposed, forfeited, or estreated as aforesaid, and to vacate and discharge such fines, issues, americiaments, penalties, forfeited recognizances, or deodands, or any of them, or any part thereof; provided that nothing in this clause contained shall extend to enable the [^{F13}Lord Chancellor] to remit or restore any fine, issue, americiaments, penalty, forfeited recognizance, or deodand to which any body corporate or politic, person or persons, shall or may be entitled, which shall have been actually levied by or paid to them.

Textual Amendments

- F13** Words substituted by [S.I. 1976/229, art. 4\(a\)](#)
- F14** Words repealed by [Statute Law Revision Act 1890 \(c. 33\)](#)
- F15** Words substituted by [S.I. 1976/229, art. 4\(b\)](#)

34— ^{F16}
47.

Textual Amendments

- F16** Ss. 34-40 and s. 47 repealed by [Criminal Justice Act 1967 \(c. 80\)](#), **Sch. 7 Pt. I**
Ss. 41-45 repealed by [Statute Law Revision Act 1874 \(c. 35\)](#)
S. 46 repealed by [Supreme Court of Judicature \(Officers\) Act 1879 \(c. 78\)](#), **Sch. 2**

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Fines Act 1833 (repealed). (See end of Document for details)

F17F17 SCHEDULE

Textual Amendments

F17 Sch. repealed by Sheriff's Act 1887 (c. 55), s. 39, Sch. 3

F17

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Fines Act 1833 (repealed).