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STATUTORY INSTRUMENTS

2004 No. 1406

MAGISTRATES' COURTS, ENGLAND AND WALES

**The Collection of Fines (Pilot Schemes) (Amendment) Order
2004**

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|-------------------------------|-----------------------|
| <i>Made</i> - - - - | <i>20th May 2004</i> |
| <i>Laid before Parliament</i> | <i>21st May 2004</i> |
| <i>Coming into force</i> - - | <i>11th June 2004</i> |

The Lord Chancellor, in exercise of the powers conferred on him by sections 97(5) and (6), 108(6) and 109(2) of, and paragraph 15 of Schedule 9 to, the Courts Act 2003 (a), makes the following Order:

Citation, commencement, duration and definition

1.—(1) This Order may be cited as the Collection of Fines (Pilot Schemes) (Amendment) Order 2004.

(2) This Order shall come into force on 11th June 2004 and cease to have effect on 31st March 2005.

(3) In this Order a reference to an article by number alone is a reference to the article so numbered in the Collection of Fines (Pilot Schemes) Order 2004 (b).

Amendment of the Collection of Fines (Pilot Schemes) Order 2004

2. In article 1—

(a) in paragraph (3), before the definition of “the Schedule”, insert—

““enforcement” means any process or order for the purposes of recovering a sum imposed by a court;

“sum imposed by a court” means a financial penalty which—

(i) consists of or includes a fine, and

(ii) is, or is treated, for the purposes of Part 3 of the Magistrates' Courts Act 1980(c) as a sum adjudged to be paid by conviction of a magistrates' court.

In (i) a “fine” does not include any pecuniary forfeiture or pecuniary compensation payable on conviction.”

(b) for paragraph (4) substitute—

“(4) Paragraph (5) applies to any sum imposed by a court in a petty sessions area prior to the coming into force of any of the pilot schemes under this Order in that area.

(5) Unless a court orders otherwise, enforcement to recover a sum, to which paragraph (4) refers, may be carried out as if this Order, and any modifications made to enactments by this Order, had not been made.

(6) Unless a court orders otherwise, enforcement of any sum imposed by a court in a petty sessions area after the coming into force of any of the pilot schemes under this Order in that area, shall continue, after this Order ceases to have effect, as if this Order, and any modifications made to enactments by this Order, were still in force.”

3. In article 2(e) in the substituted paragraph 35 of Schedule 5 of the Courts Act 2003, after subparagraph (4) insert—

“(5) Fines collection regulations may provide for the fines officer to have the power to issue a summons for the purpose of ensuring that P attends a magistrates’ court to whom P’s case has been referred under this paragraph.”

4. Omit article 2(f).

On the authority of the Lord Chancellor

20th May 2004

Christopher Leslie
Parliamentary Under Secretary of State
Department of Constitutional Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

The amendment in article 2 is to clearly define the intention of the transitional provision in the Collection of Fines (Pilot Schemes) Order 2004.

The amendments in article 3 and 4 are to correct an error in that Order.

ISBN 0-11-049329-X



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