
STATUTORY INSTRUMENTS

2005 No. 487

The Collection of Fines (Pilot Schemes) (Amendment) Order 2005

Amendments to the Collection of Fines (Pilot Schemes) Order 2004

5. For article 3 substitute the following—

“Local pilot scheme

3. In relation to the local justice areas listed in the Schedule, Schedule 5 has effect for the specified period subject to the following modifications—

- (a) amend paragraph 1 (application of Schedule) as follows—
 - (i) in sub-paragraph (1)(a) for “consists of or includes a fine, and” substitute “is a fine, or”; and
 - (ii) omit sub-paragraph (2); and
- (b) amend paragraph 3 (meaning of “existing defaulter” etc) as follows—
 - (i) omit sub-paragraphs (1)(a) and (6);
 - (ii) for sub-paragraph (5) substitute—

“(5) 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.”; and
- (c) omit Part 2 (immediate payment of fines: discounts);
- (d) amend paragraph 7 (application of part) as follows—
 - (i) for sub-paragraph (1) substitute—

“(1) This Part does not apply where the case before the court is an appeal under paragraphs 23, 32 or 39(4).”; and
 - (ii) in sub-paragraph (2)(b) omit “if sub-paragraph (1)(b) applies.”; and
- (e) in paragraph 11 for sub-paragraph (1) substitute—

“(1) This Part applies whether or not the relevant court has made an attachment of earnings order or application for benefit deductions under Part 3 of this Schedule.”;
- (f) in paragraph 15(2) omit “, 35, 36”;
- (g) omit Part 5 (discount where collection order made);
- (h) omit paragraphs 27 (increase in fine) and 28 (notice of increase);
- (i) in sub-paragraph (1)(a) of paragraph 31 (application to fines officer for variation of reserve terms) for “before an increase is imposed under paragraph 33” substitute “before a further steps notice is delivered under paragraph 37”;
- (j) omit paragraphs 33 and 34;

- (k) for the Part 9 title “OPERATION OF COLLECTION ORDERS AFTER INCREASE IMPOSED” substitute “FURTHER STEPS”;
- (l) omit paragraphs 35 and 36;
- (m) for sub-paragraphs (1) to (5) of paragraph 37 substitute—
 - “(1) This paragraph applies if—
 - (a) P is in default of the reserve terms (whether or not they have been varied) of the collection order, or the fines officer has not made an attachment of earnings order or an application for deductions from benefits under paragraph 26, and
 - (b) no application under paragraph 31(1) (application to fines officer for variation of reserve terms) or 32(1) (appeal against decision of fines officer) is pending, and
 - (c) no reference under paragraph 42 (power of fines officer to refer case to magistrates' court) is pending.”.
- (n) in the title of paragraph 39 omit “after increase”;
- (o) amend paragraph 39 as follows—
 - (i) omit sub-paragraphs (1)(a) and (2);
 - (ii) in sub-paragraph (3) for “an appeal or” substitute “a” and omit “(a) or”;
- (p) amend paragraph 42 as follows—
 - (i) in sub-paragraph (2)(b) omit “discharge the order and”;
 - (ii) after sub-paragraph (2) insert—
 - “(2A) Where a court exercises its standard powers under sub-paragraph 2(b) it may also discharge the collection order.”; and
- (q) in sub-paragraph (b) in paragraph 50 after “Schedule” insert—
 - “, or
 - (c) of the court under paragraph 50A of this Schedule”;
- (r) after paragraph 50 insert—

“Increase in fine by court

50A.—(1) This paragraph applies where the fines officer has referred a case to the court under paragraph 37(6)(a) or after any further steps measures taken under paragraph 38 have not been successful.

(2) Where the court is satisfied that the default is due to P’s wilful refusal or culpable neglect, the court may increase the fine which is the subject of the order.

(3) For the purposes of an increase, the fine does not include any pecuniary forfeiture or pecuniary compensation payable on conviction.

(4) The increase is given effect by treating it as part of the fine imposed on P on his conviction.

(5) The amount of the increase is to be determined in accordance with fines collections regulations but must not be greater than 50% of the fine.””