

SCHEDULES

SCHEDULE 3

Section 65(3).

FINANCIAL PENALTIES

Increases in certain maximum fines

- 1 (1) In section 17 of the Criminal Justice Act 1991 (increases in certain maximum fines), subsection (3)(e) shall cease to have effect.
- (2) In Schedule 4 to that Act (increase of certain maxima) Part V shall cease to have effect.

Statements as to offenders' financial circumstances

- 2 (1) In section 20 of the Act of 1991 (statements as to offenders' means) the following shall be substituted for subsection (1)—
- “(1) Where a person has been convicted of an offence, the court may, before sentencing him, make a financial circumstances order with respect to him.
- (1A) Where a magistrates' court has been notified in accordance with section 12(2) of the Magistrates' Courts Act 1980 that a person desires to plead guilty without appearing before the court, the court may make a financial circumstances order with respect to him.
- (1B) Before exercising its powers under section 55 of the Children and Young Persons Act 1933 against the parent or guardian of any person who has been convicted of an offence, the court may make a financial circumstances order with respect to the parent or (as the case may be) guardian.
- (1C) In this section “a financial circumstances order” means, in relation to any person, an order requiring him to give to the court, within such period as may be specified in the order, such a statement of his financial circumstances as the court may require.”.
- (2) In subsections (2) and (3) of section 20 of the Act of 1991, for the words “an order under subsection (1) above” there shall be substituted “a financial circumstances order”.
- (3) Section 20(5) of the Act of 1991 shall cease to have effect.

Remission of fines

- 3 The following section shall be substituted for section 21 of the Act of 1991 (remission of fines)—

Status: This is the original version (as it was originally enacted).

“21 Remission of fines.

- (1) This section applies where a court has, in fixing the amount of a fine, determined the offender’s financial circumstances under section 18(4) above.
- (2) If, on subsequently inquiring into the offender’s financial circumstances, the court is satisfied that had it had the results of that inquiry when sentencing the offender it would—
 - (a) have fixed a smaller amount; or
 - (b) not have fined him,
 it may remit the whole or any part of the fine.
- (3) Where under this section the court remits the whole or part of a fine after a term of imprisonment has been fixed under section 82(5) of the Magistrates’ Courts Act 1980 (issue of warrant of commitment for default) or section 31 of the Powers of Criminal Courts Act 1973 (powers of Crown Court in relation to fines), it shall reduce the term by the corresponding proportion.
- (4) In calculating any reduction required by subsection (3) above, any fraction of a day shall be ignored.”.

Default in paying unit fines

- 4 Section 22 of the Act of 1991 (default in paying fines fixed under section 18 of that Act) shall cease to have effect.

Responsibility of parents and guardians

- 5 In section 57 of the Act of 1991 (responsibility of parent or guardian for financial penalties), the following shall be substituted for subsections (3) and (4)—

- “(3) For the purposes of any order under that section made against the parent or guardian of a child or young person—
- (a) sections 18 and 21 above; and
 - (b) section 35(4)(a) of the 1973 Act (fixing amount of compensation order),
- shall have effect (so far as applicable) as if any reference to the financial circumstances of the offender, or (as the case may be) to the means of the person against whom the compensation order is made, were a reference to the financial circumstances of the parent or guardian.
- (4) For the purposes of any such order made against a local authority (as defined for the purposes of the Children Act 1989)—
- (a) section 18(1) above, and section 35(4)(a) of the 1973 Act, shall not apply, and
 - (b) section 18(3) above shall apply as if the words from “including” to the end were omitted.”.

Other amendments

- 6 (1) In section 15 of the Children and Young Persons Act 1969 (variation and discharge of supervision orders), the following subsection shall be substituted for subsection (7)—
- “(7) A fine imposed under subsection (3) or (4) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.”.
- (2) In section 27 of the Powers of Criminal Courts Act 1973 (breach of requirement of suspended sentence supervision order), the following subsection shall be substituted for subsection (4)—
- “(4) A fine imposed under subsection (3) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.”.
- (3) In section 97 of the Magistrates' Courts Act 1980 (maximum fine for refusal to give evidence), the following subsection shall be substituted for subsection (5)—
- “(5) A fine imposed under subsection (4) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.”.
- (4) In section 12 of the Contempt of Court Act 1981 (maximum fine for contempt in face of magistrates' court), the following subsection shall be substituted for subsection (2A)—
- “(2A) A fine imposed under subsection (2) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.”.
- (5) In section 14 of that Act (maximum fine for contempt in an inferior court), the following subsection shall be substituted for the subsection (2A) inserted by the Criminal Justice Act 1991—
- “(2A) A fine imposed under subsection (2) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.”.
- (6) In section 58 of the Criminal Justice Act 1991 (binding over of parent or guardian), the following subsection shall be substituted for subsection (4)—
- “(4) A fine imposed under subsection (2)(b) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.”.
- (7) In paragraph 6 of Schedule 2 to the Criminal Justice Act 1991 (miscellaneous supplemental provisions), the following sub-paragraph shall be substituted for sub-paragraph (2)—
- “(2) A fine imposed under paragraph 3(1)(a) or 4(1)(a) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.”.