



2016 CHAPTER 21

PART 1

FINES AND OTHER PENALTIES: ENFORCEMENT

CHAPTER 1

Collection of Fines etc.

Collection officers and orders

Collection officers

2.—(1) The Department of Justice may designate civil servants in the Department to be collection officers for the purposes of this Chapter; and a reference in this Chapter to a “collection officer” is a reference to a person so designated.

(2) The general functions of a collection officer are—

(a) to provide debtors with information and advice about payment of the sums due;

(b) to secure compliance with collection orders (see section 3).

(3) Regulations may make further provision about collection officers; and the regulations may, in particular, confer or impose functions on collection officers.

Collection order

3.—(1) The court referred to in section 1(1)(b) must make an order (a “collection order”) relating to the payment of the sum due, unless it appears to the court that it is impracticable or inappropriate to do so.

(2) The court may not make a collection order in so far as the sum due consists of an amount payable under a confiscation order under Part 4 of the Proceeds of Crime Act 2002.

(3) Where a collection order is made, the powers of a court to deal with the liability of the debtor to pay the sum due are subject to the provisions of this Chapter and to regulations made under it.

(4) A collection order must—

- (a) state the amount of the sum due,
- (b) if the sum due consists of separate amounts, state each separate amount,
- (c) if part of the sum due has already been paid, state the amount already paid and the outstanding amount,
- (d) contain information about how payments may be made under the terms of the order,
- (e) contain information about how to contact the collection officer responsible for securing compliance with the order,
- (f) contain information about the effect of the order and the consequences of failing to comply with it, and
- (g) contain the additional provision required by section 4(3) or (4).

(5) Where a court makes a collection order, it must—

- (a) serve the order on the debtor, and
- (b) send a copy to the collection officer.

(6) Where the debtor appeals against the conviction or sentence in a case in which a collection order has been made, the collection order is suspended until the appeal is determined or abandoned.

(7) In a case where, before the commencement of this section, a person has defaulted on payment of a sum of the kind mentioned in section 1—

- (a) if a court has yet to deal with the person for the default, the proper officer may refer the case to the court which is responsible for enforcing payment of the sum for it to consider whether to make a collection order;
- (b) if a court has already dealt with the person for the default, a collection order may not be made.

(8) In subsection (7), “proper officer” means—

- (a) in relation to a magistrates’ court, the clerk of petty sessions;
- (b) in relation to the Crown Court, the chief clerk.

Additional powers where collection order made

4.—(1) Where a court makes a collection order in the case of a debtor who is an individual, it may also—

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

- (a) order the collection officer who is responsible for securing compliance with the order to make an application for deduction from benefits in relation to the debtor (see sections 14 to 16);
 - (b) make an attachment of earnings order in relation to the debtor (see sections 18 and 19).
- (2) But a court may make an order under subsection (1)(a) or (b) only if—
- (a) the court, having considered whether it would be appropriate to require the debtor to pay the sum due in either of the ways mentioned in subsection (4), is satisfied that it would be more appropriate to make the order under subsection (1)(a) or (b), and
 - (b) the debtor consents to the making of the order.
- (3) If the court makes an order under subsection (1)(a) or (b), the collection order must also state that the order has been made.
- (4) If the court does not make an order under subsection (1)(a) or (b), the collection order must also include—
- (a) a term requiring the payment of the outstanding amount within a specified period, or
 - (b) terms requiring the payment of the outstanding amount by instalments of specified amounts on or before specified dates.
- (5) If the court makes an order under subsection (1)(a), the collection officer must make an application for deduction from benefits in relation to the debtor.