



2016 CHAPTER 21

PART 1

FINES AND OTHER PENALTIES: ENFORCEMENT

CHAPTER 1

Collection of Fines etc.

*Freezing bank accounts etc.*

**Interim bank account order**

**20.—(1)** An interim bank account order is an order requiring the deposit-taker to whom it is directed not to do anything which—

- (a) would reduce below such amount as is specified in the order the credit balance of the account so specified, or
- (b) if the credit balance is already below the specified amount, would reduce it further.

(2) Where an interim bank account order is in force and the deposit-taker receives a request from the debtor for it to release the whole of the amount specified in the order to the responsible court, the deposit-taker must (unless there are exceptional circumstances) comply with the request.

(3) Where the court receives payment of the specified amount in accordance with subsection (2), or by some other means, the collection officer must discharge the interim bank account order and notify the court and the deposit-taker accordingly.

(4) Having received a notification under subsection (3), the court must—

- (a) if the sum due has been paid, dismiss the referral under section 6(5), or

(b) if the sum due has (in spite of the payment of the specified amount) yet to be paid, decide at the hearing under section 9 what action to take in relation to the outstanding amount.

(5) A request of the kind mentioned in subsection (2) must be in the form specified in regulations.

(6) Regulations may make further provision in relation to interim bank account orders; and the regulations may in particular—

- (a) make provision enabling a collection officer to require a deposit-taker to provide the officer with information of a specified description;
- (b) make provision as to the contents of an interim bank account order;
- (c) make provision as to the service of an interim bank account order and the arrangements for the hearing on the referral under section 6(5);
- (d) make provision enabling a deposit-taker to impose administrative charges of a specified amount or description in relation to costs incurred by it in complying with an interim bank account order.

(7) A person commits an offence if the person fails, without reasonable excuse, to provide information required by virtue of subsection (6)(a).

(8) A person commits an offence if, in response to a requirement imposed by virtue of subsection (6)(a), the person—

- (a) provides information which the person knows to be false in a material particular,
- (b) recklessly provides information which is false in a material particular, or
- (c) knowingly fails to disclose a material fact.

(9) This section and sections 21 and 22 apply in the case of a person who was convicted of an offence, but not sentenced, before the commencement of this section (as well as in the case of a person convicted after that commencement).

### **Hardship payments**

**21.—**(1) Where an interim bank account order is in force, the collection officer may, on a written application by the debtor, make a hardship payment order if the officer is satisfied that, as a result of the interim bank account order, the debtor or his or her family is suffering hardship in meeting ordinary living expenses.

(2) A hardship payment order is an order requiring the deposit-taker to make to the person specified in the order such payments as are specified in the order out of the amount specified in the interim bank account order.

(3) Regulations may make further provision in relation to hardship payment orders; and the regulations may in particular make provision as to—

- (a) the matters to be included in an application for a hardship payment order;

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

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- (b) the procedure to be followed when making the application;
- (c) the matters which the collection officer must take into account when determining an application for a hardship payment order;
- (d) the procedure to be followed when determining the application;
- (e) the contents of a hardship payment order;
- (f) service of a hardship payment order.

### **Bank account order**

**22.**—(1) A bank account order is an order requiring the deposit-taker to whom it is directed to pay the amount specified in the order for the purpose of securing payment of the outstanding amount.

(2) The amount to be specified in a bank account order is—

- (a) in a case where an interim bank account order has been made, the amount specified in that order, or
- (b) in a case where no interim bank account order has been made, such amount as the responsible court may determine.

(3) The making of a payment in accordance with a bank account order discharges the deposit-taker from liability to the debtor in respect of the amount of the payment.

(4) A bank account order may not require the making of a payment which would reduce the credit balance below such amount as is specified in regulations.

(5) If the outstanding amount has been paid, the collection officer or (in a case where there is not a collection order) the proper officer of the responsible court must—

- (a) discharge the bank account order and any interim bank account order in force in relation to the debtor, and
- (b) notify the responsible court and the deposit-taker accordingly.

(6) In subsection (5), “proper officer” has the same meaning as in section 8.

(7) Regulations may make further provision in relation to bank account orders; and the regulations may in particular—

- (a) make provision enabling the responsible court to require a deposit-taker to provide the court with information of a specified description;
- (b) make provision as to the contents of a bank account order;
- (c) make provision as to the service of a bank account order;
- (d) make provision enabling a deposit-taker to impose administrative charges of a specified amount or description in relation to costs incurred by it in complying with a bank account order.

(8) A person commits an offence if the person fails, without reasonable excuse, to provide information required by virtue of subsection (7)(a).

(9) A person commits an offence if, in response to a requirement imposed by virtue of subsection (7)(a), the person—

- (a) provides information which the person knows to be false in a material particular,
- (b) recklessly provides information which is false in a material particular, or
- (c) knowingly fails to disclose a material fact.