



# Criminal Justice Act 1991

## 1991 CHAPTER 53

### PART I

#### POWERS OF COURTS TO DEAL WITH OFFENDERS

##### *Financial penalties: supplemental*

**F1**21 .....

#### Textual Amendments

**F1** S. 21 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

**F2**22 .....

#### Textual Amendments

**F2** S. 22 repealed (20.9.1993) by 1993 c. 36, ss. 65(3)(4), 79(14), Sch. 3 para. 4, **Sch. 6 Pt.I**; S.I. 1993/1968, art. 2(2), **Sch.2**, Appendix.

### 23 Default in other cases.

- (1) In the [<sup>F3</sup>Table in] paragraph 1 of Schedule 4 to the 1980 Act (maximum periods of imprisonment for default in paying fines etc.), for the entries relating to amounts not exceeding £5,000 there shall be substituted the following entries—

“An amount not exceeding £200

7 days

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An amount exceeding £200 but not exceeding £500	14 days
An amount exceeding £500 but not exceeding £1,000	28 days
An amount exceeding £1,000 but not exceeding £2,500	45 days
An amount exceeding £2,500 but not exceeding £5,000	3 months”.

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(2) For the Table in section 407(1A) of the <sup>M1</sup>Criminal Procedure (Scotland) Act 1975 (maximum period of imprisonment for failure to pay fine or find caution) there shall be substituted the following Table—

<i>“Amount of fine or caution</i>	<i>Maximum period of imprisonment</i>
An amount not exceeding £200	7 days
An amount exceeding £200 but not exceeding £500	14 days
An amount exceeding £500 but not exceeding £1,000	28 days
An amount exceeding £1,000 but not exceeding £2,500	45 days
An amount exceeding £2,500 but not exceeding £5,000	3 months
An amount exceeding £5,000 but not exceeding £10,000	6 months
An amount exceeding £10,000 but not exceeding £20,000	12 months
An amount exceeding £20,000 but not exceeding £50,000	18 months
An amount exceeding £50,000 but not exceeding £100,000	2 years
An amount exceeding £100,000 but not exceeding £250,000	3 years
An amount exceeding £250,000 but not exceeding £1 million	5 years
An amount exceeding £1 million	10 years.”

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(3) In Schedule 16 (repeals) to the 1988 Act, the entry relating to subsection (8) of section 41 of the <sup>M2</sup>Administration of Justice Act 1970 shall cease to have effect; and that subsection (discretion of Crown Court to specify extended period of imprisonment in default of payment of compensation) shall have effect as if that entry had not been enacted.

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#### Extent Information

**E1** S. 23 extends to England and Wales only except as mentioned in s. 102(4) - (6).

#### Textual Amendments

**F3** Words in s. 23(1) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 9 para. 135

#### Commencement Information

**I1** S. 23 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

#### Marginal Citations

**M1** 1975 c. 21.

**M2** 1970 c. 31.

## 24 Recovery of fines etc. by deductions from [<sup>F4</sup>universal credit and] income support.

- (1) The Secretary of State may by regulations provide that where a fine has been imposed on an offender by a magistrates' court, or a sum is required to be paid by a compensation order [<sup>F5</sup>, an unlawful profit order or a slavery and trafficking reparation order] which has been made against an offender by such a court, and (in either case) the offender is entitled to [<sup>F6</sup>universal credit,] income support [<sup>F7</sup>, a jobseeker's allowance [<sup>F8</sup>, state pension credit or an <sup>F9</sup>... employment and support allowance]]
- (a) the court may apply to the Secretary of State asking him to deduct sums from any amounts payable to the offender by way of [<sup>F10</sup>that benefit], in order to secure the payment of any sum which is or forms part of the fine [<sup>F11</sup>, compensation or unlawful profit]; and
  - (b) the Secretary of State may deduct sums from any such amounts and pay them to the court towards satisfaction of any such sum.
- (2) The regulations may include—
- (a) provision that, before making an application, the court shall make an enquiry as to the offender's means;
  - [<sup>F12</sup>(aa) provision that the court may require the offender to provide prescribed information in connection with an application;]
  - (b) provision allowing or requiring adjudication as regards an application, and provision as to [<sup>F13</sup>appeals to appeal tribunals constituted under Chapter I of Part I of the Social Security Act 1998 and decisions under section 9 or 10 of that Act];
  - (c) provision as to the circumstances and manner in which and the times at which sums are to be deducted and paid;
  - (d) provision as to the calculation of such sums (which may include provision to secure that amounts payable to the offender by way of [<sup>F14</sup>universal credit,] income support [<sup>F15</sup>, a jobseeker's allowance [<sup>F16</sup>, state pension credit or an <sup>F17</sup>... employment and support allowance]] do not fall below prescribed figures);
  - (e) provision as to the circumstances in which the Secretary of State is to cease making deductions;

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- (f) provision requiring the Secretary of State to notify the offender, in a prescribed manner and at any prescribed time, of the total amount of sums deducted up to the time of notification; and
  - (g) provision that, where the whole amount to which the application relates has been paid, the court shall give notice of that fact to the Secretary of State.
- [<sup>F18</sup>(2A) An offender who fails to provide information required by the court by virtue of subsection (2)(aa) commits an offence.
- (2B) An offender commits an offence if, in providing information required by the court by virtue of that subsection, he—
- (a) makes a statement which he knows to be false in a material particular,
  - (b) recklessly provides a statement which is false in a material particular, or
  - (c) knowingly fails to disclose any material fact.
- (2C) A person guilty of an offence under subsection (2A) or (2B) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.]
- (3) In subsection (1) above—
- (a) the reference to a fine having been imposed by a magistrates’ court includes a reference to a fine being treated, by virtue of [<sup>F19</sup>section 132 of the Sentencing Code] , as having been so imposed; and
  - (b) the reference to a sum being required to be paid by a compensation order [<sup>F20</sup>, an unlawful profit order or a slavery and trafficking reparation order] which has been made by a magistrates’ court includes a reference to a sum which is required to be paid by such an order being treated, by virtue of section 41 of the <sup>M3</sup>Administration of Justice Act 1970, as having been adjudged to be paid on conviction by such a court.
- [<sup>F21</sup>(c) the reference in paragraph (a) to “the court” includes a reference to a court to which the function in that paragraph has been transferred by virtue of a transfer of fine order under section 89(1) or (3) or 90(1)(a) of the 1980 Act (power of magistrates’ court to make transfer of fine order) or under section [<sup>F22</sup>section 222(1)(a) or (b) of the Criminal Procedure (Scotland) Act 1995] (analogous provision as respects Scotland) and a reference to a court to which that function has been remitted by virtue of section 196(2) of the said Act of 1975 (enforcement of fine imposed by High Court of Justiciary).]
- [<sup>F23</sup>(3A) This section applies in relation to a surcharge imposed under [<sup>F24</sup>section 42 of the Sentencing Code][<sup>F25</sup>or section 253F of the Criminal Procedure (Scotland) Act 1995] as if any reference in subsection (1) or (3) above to a fine included a reference to a surcharge.]
- [<sup>F26</sup>(3B) This section applies in relation to a restitution order imposed under section 253A of the Criminal Procedure (Scotland) Act 1995 as if any reference in subsection (1) or (3) above to a fine included a reference to a restitution order.]
- (4) In this section—
- “fine” includes—
- (a) a penalty imposed under [<sup>F27</sup>section 29 or 37 of the Vehicle Excise and Registration Act 1994] or section 102(3)(aa) of the <sup>M4</sup>Customs and Excise Management Act 1979 (penalties imposed for certain offences in relation to vehicle excise licences);

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(b) an amount ordered to be paid, in addition to any penalty so imposed, under <sup>F27</sup>section 30, 36 or 38 of the Vehicle Excise and Registration Act 1994] (liability to additional duty);

<sup>F28</sup>(ba) a charge ordered to be paid under <sup>F29</sup>section 46 of the Sentencing Code] (criminal courts charge);]

(c) an amount ordered to be paid by way of costs which is, by virtue of section 41 of the <sup>M5</sup>Administration of Justice Act 1970, treated as having been adjudged to be paid on a conviction by a magistrates' court;

<sup>F30</sup> ...

“income support” means income support within the meaning of the <sup>M6</sup>Social Security Act 1986, either alone or together with any <sup>F31</sup>... <sup>F32</sup>[incapacity] benefit, <sup>F33</sup>[or retirement pension] which is paid by means of the same instrument of payment;

“prescribed” means prescribed by regulations made by the Secretary of State.

<sup>F34</sup>“slavery and trafficking reparation order” means an order under section 8 of the Modern Slavery Act 2015;]

<sup>F35</sup>“unlawful profit order” means an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013.]

(5) In the application of this section to Scotland—

(a) references in subsections (1) and (2) above to a magistrates' court shall be construed as references to a court; and

(b) in subsection (3) above, for paragraphs (a) and (b) there shall be substituted the following paragraphs—

“(a) the reference to a fine having been imposed by a court includes a reference to a fine being treated, by virtue of <sup>F36</sup>section 211(4) of the Criminal Procedure (Scotland) Act 1995], as having been so imposed; and

(b) the reference to a compensation order having been made by a court includes a reference to such an order being treated, by virtue of <sup>F37</sup>section 252 of the Criminal Procedure (Scotland) Act 1995], as having been so made.”

#### Textual Amendments

**F4** Words in s. 24 heading inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **8(a)**

**F5** Words in s. 24(1) substituted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), **Sch. 5 para. 12(2)**; S.I. 2015/1476, reg. 2(j)

**F6** Words in s. 24(1) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **8(b)**

**F7** Words in s. 24(1) substituted (2.7.2002 for specified purposes and otherwise 6.10.2003) by [State Pension Credit Act 2002 \(c. 16\)](#), ss. 14, 22(2)(3), **Sch. 2 para. 31(a)**; S.I. 2002/1691, **art. 2**; S.I. 2003/1766, **art. 2**

**F8** Words in s. 24(1) substituted (18.3.2008 for certain purposes and 27.10.2008 otherwise) by [Welfare Reform Act 2007 \(c. 5\)](#), ss. 28, 70, **Sch. 3 para. 8(a)**; S.I. 2008/787, **art. 2(1)(4)**, **Sch.**

**F9** Words in s. 24(1) repealed (with effect from 27.10.2008 in accordance with s. 109(3) of the amending Act) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 109(1)(a)**, 150(1)(d)

**F10** Words in s. 24(1)(a) substituted (11.6.1996) by [1995 c. 18](#), s. 41(4), **Sch. 2 para. 21**; S.I. 1996/1509, **art. 2**, **Sch.**

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- F11** Words in s. 24(1)(b) substituted (15.10.2013 for E., 5.11.2013 for W.) by [Prevention of Social Housing Fraud Act 2013 \(c. 3\), s. 12, Sch. para. 5\(2\)\(b\)](#); S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2
- F12** S. 24(2)(aa) inserted (E.W.) (5.4.2004) by [Courts Act 2003 \(c. 39\), ss. 96\(1\)\(2\)](#), 110; S.I. 2004/174, [art. 3](#)
- F13** Words in s. 24(2)(b) substituted (18.10.1998 for specified provisions, 29.11.1999 for further specified provisions, otherwise prosp.) by [1998 c. 14, s. 86\(1\), Sch.7 para. 55](#); S.I. 1999/2860, art. 2, [Sch. 1](#) (with [art. 5](#) and subject to transitional provisions in [Schs. 16-18](#)); S.I. 1999/3178, art. 2, [Sch. 1](#) (subject to transitional provisions in [Schs. 21-23](#))
- F14** Words in s. 24(2)(d) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\), regs. 1\(2\), 8\(b\)](#)
- F15** Words in s. 24(2)(d) substituted (2.7.2002 for specified purposes and otherwise 6.10.2003) by [State Pension Credit Act 2002 \(c. 16\), ss. 14, 22\(2\)\(3\), Sch. 2 para. 31\(b\)](#); S.I. 2002/1691, [art. 2](#); S.I. 2003/1766, [art. 2](#)
- F16** Words in s. 24(2)(d) substituted (18.3.2008 for certain purposes and 27.10.2008 otherwise) by [Welfare Reform Act 2007 \(c. 5\), ss. 28, 70, Sch. 3 para. 8\(a\)](#); S.I. 2008/787, [art. 2\(1\)\(4\)](#), [Sch.](#)
- F17** Words in s. 24(2)(d) repealed (with effect from 27.10.2008 in accordance with s. 109(3) of the amending Act) by [Welfare Reform Act 2012 \(c. 5\), ss. 109\(1\)\(a\), 150\(1\)\(d\)](#)
- F18** S. 24(2A)-(2C) inserted (E.W.) (5.4.2004) by [Courts Act 2003 \(c. 39\), ss. 96\(3\)](#), 110; S.I. 2004/174, [art. 3](#)
- F19** Words in s. 24(3)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 120\(2\)](#) (with [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#)
- F20** Words in s. 24(3)(b) substituted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\), s. 61\(1\), Sch. 5 para. 12\(3\)](#); S.I. 2015/1476, [reg. 2\(j\)](#)
- F21** S. 24(3)(c) inserted (3.2.1995) by [1994 c. 33, s. 47\(3\)](#); S.I. 1995/127, art. 2(1), [Sch. 1](#)
- F22** Words in s. 24(3)(c) substituted (1.4.1996) by [1995 c. 40, ss. 5, 7\(2\), Sch. 4 para. 80\(2\)\(c\)](#)
- F23** S. 24(3A) inserted (1.4.2007) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(1\), 60; Sch. 10 para. 30](#); S.I. 2007/602, [art. 2\(b\)\(c\)](#)
- F24** Words in s. 24(3A) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 120\(3\)](#) (with [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#)
- F25** Words in s. 24(3A) inserted (9.7.2019) by [The Victims and Witnesses \(Scotland\) Act 2014 \(Consequential Modification\) Order 2019 \(S.I. 2019/1092\), arts. 1, 2](#)
- F26** S. 24(3B) inserted (10.6.2020) by [The Victims and Witnesses \(Scotland\) Act 2014 \(Consequential Modification\) Order 2020 \(S.I. 2020/584\), arts. 1\(1\), 2](#)
- F27** Words in s. 24(4) substituted (1.9.1994) by [1994 c. 22, ss. 63, 66\(1\), Sch. 3 para. 30](#) (with s. 57(4))
- F28** S. 24(4): para. (ba) inserted in definition of "fine" (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 12 para. 7](#); S.I. 2015/778, art. 3, [Sch. 1 para. 78](#)
- F29** Words in s. 24(4) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 120\(4\)](#) (with [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#)
- F30** S. 24(4): definition of "income-related employment and support allowance" repealed (with effect from 27.10.2008 in accordance with s. 109(3) of the amending Act) by [Welfare Reform Act 2012 \(c. 5\), ss. 109\(1\)\(b\), 150\(1\)\(d\)](#)
- F31** Words in s. 24(4) repealed (7.10.1996) by [1995 c. 18, s. 41\(5\), Sch. 3](#); S.I. 1996/2208, [art. 2](#)
- F32** Word in s. 24(4) substituted (13.4.1995) by [1994 c. 18, s. 11\(1\), Sch. 1 Pt. II para. 55](#); S.I. 1994/2926, [art. 2, Sch. Pt. IV](#)
- F33** Words in definition of "income support" in s. 24(4) substituted (6.4.2001) by [1999 c. 30, s. 70, Sch. 8 Pt. III para. 27](#); S.I. 2000/2958, [art. 2\(6\)\(b\)](#) (subject to arts. 3, 4)
- F34** S. 24(4): definition of "slavery and trafficking reparation order" inserted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\), s. 61\(1\), Sch. 5 para. 12\(4\)](#); S.I. 2015/1476, [reg. 2\(j\)](#)
- F35** S. 24(4): definition of "unlawful profit order" inserted (15.10.2013 for E., 5.11.2013 for W.) by [Prevention of Social Housing Fraud Act 2013 \(c. 3\), s. 12, Sch. para. 5\(4\)](#); S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2
- F36** S. 24(5)(a): words in subsection (3)(a) as it applies to Scotland substituted (1.4.1996) by [1995 c. 40, ss. 5, 7\(2\), Sch. 4 para. 80\(2\)\(a\)](#)

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**F37** S. 24(5)(b): words in subsection (3)(b) as it applies to Scotland substituted (1.4.1996) by [1995 c. 40, ss. 5, 7\(2\)](#), [Sch. 4 para. 80\(2\)\(b\)](#)

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**Commencement Information**

**I2** S. 24 wholly in force at 1.10.1992 see s. 102(2)(3) and [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#).

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**Marginal Citations**

**M3** [1970 c. 31](#).

**M4** [1979 c. 2](#).

**M5** [1970 c. 31](#).

**M6** [1986 c. 50](#).

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 24(2)(ba) inserted by [2013 c. 22 s. 26\(7\)](#)
- s. 46(3)(aa) substituted for word by [2008 c. 4 s. 33\(7\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))
- s. 46ZA inserted by [2008 c. 4 s. 33\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))