



Criminal Justice Act 1991

1991 CHAPTER 53

PART I

POWERS OF COURTS TO DEAL WITH OFFENDERS

Financial penalties: supplemental

21 Remission of fines fixed under section 18

- (1) This section applies where, in the case of a fine the amount of which has been fixed by a magistrates' court under section 18 above, the determination of the offender's disposable weekly income—
 - (a) would have been of a lesser amount but for subsection (5)(a) of that section; or
 - (b) was made by virtue of subsection (8) of that section.
- (2) In a case falling within subsection (1)(a) above, the court may, on inquiring into the offender's means or at a hearing under section 82(5) of the 1980 Act (issue of warrant of commitment for default), remit the whole or any part of the fine if the court considers that its payment by the offender within twelve months of the imposition of the fine would cause the offender undue hardship.
- (3) In a case falling within subsection (1)(b) above, the court may, on inquiring into the offender's disposable weekly income or at such a hearing as is mentioned in subsection (2) above, remit the whole or any part of the fine if the court thinks it just to do so having regard—
 - (a) to the amount of that income as determined by the court under this subsection in accordance with rules made by the Lord Chancellor; and
 - (b) if applicable, to the provisions of subsection (2) above.
- (4) Where the court remits the whole or part of a fine under subsection (2) or (3) above after a term of imprisonment has been fixed under the said section 82(5), it shall also reduce the term by an amount which bears the same proportion to the whole term as the amount remitted bears to the whole fine or, as the case may be, shall remit the whole term.

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- (5) In calculating the reduction in a term of imprisonment required by subsection (4) above, any fraction of a day shall be left out of account.

22 Default in paying fines fixed under that section

- (1) Where default is made in paying a fine the amount of which has been fixed under section 18 above without applying paragraph (b) or (c) of subsection (7) of that section, this section shall have effect, in place of Schedule 4 to the 1980 Act, in relation to any committal of the defaulter to prison.
- (2) Subject to subsection (3) below, the maximum period of imprisonment applicable in the case of a fine fixed on the basis of a number of units specified in the first column of the following Table shall be the period set out opposite to it in the second column of that Table.

TABLE

Not more than 2 units	7 days
More than 2 units but not more than 5 units	14 days
More than 5 units but not more than 10 units	28 days
More than 10 units but not more than 25 units	45 days
More than 25 units	3 months

- (3) Where the amount of a fine due at the time the imprisonment is imposed is so much of the fine as remains due after part payment, then, subject to subsection (4) below, the maximum period given by subsection (2) above shall be reduced by such number of days as bears to the total number of days in it the same proportion as the part of the fine paid bears to the whole fine.
- (4) In calculating the reduction required under subsection (3) above, any fraction of a day shall be left out of account and the maximum period shall not be reduced to less than 7 days.
- (5) In this section “prison” includes a young offender institution and “imprisonment” includes detention in such an institution.

23 Default in other cases

- (1) In the Tables in section 31(3A) of the 1973 Act and 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
An amount exceeding £200 but not exceeding £500	14 days

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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”.

(2) For the Table in section 407(1A) of the 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.”

(3) In Schedule 16 (repeals) to the 1988 Act, the entry relating to subsection (8) of section 41 of the 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.

24 Recovery of fines etc. by deductions from 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

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compensation order which has been made against an offender by such a court, and (in either case) the offender is entitled to income support—

- (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 income support, in order to secure the payment of any sum which is or forms part of the fine or compensation; 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;
- (b) provision allowing or requiring adjudication as regards an application, and provision as to appeals and reviews;
- (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 income support do not fall below prescribed figures);
- (e) provision as to the circumstances in which the Secretary of State is to cease making deductions;
- (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.

(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 section 32 of the 1973 Act, as having been so imposed; and
- (b) the reference to a sum being required to be paid by a compensation 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 Administration of Justice Act 1970, as having been adjudged to be paid on conviction by such a court.

(4) In this section—

“fine” includes—

- (a) a penalty imposed under section 8(1) or 18(4) of the Vehicles (Excise) Act 1971 or section 102(3)(aa) of the Customs and Excise Management Act 1979 (penalties imposed for certain offences in relation to vehicle excise licences);
- (b) an amount ordered to be paid, in addition to any penalty so imposed, under section 9, 18A or 26A of the said Act of 1971 (liability to additional duty);
- (c) an amount ordered to be paid by way of costs which is, by virtue of section 41 of the Administration of Justice Act 1970, treated as having been adjudged to be paid on a conviction by a magistrates' court;

“income support” means income support within the meaning of the Social Security Act 1986, either alone or together with any unemployment, sickness

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or invalidity benefit, retirement pension or severe disablement allowance which is paid by means of the same instrument of payment;

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

(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 section 196(2) of the Criminal Procedure (Scotland) Act 1975, 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 section 66 of the Criminal Justice (Scotland) Act 1980, as having been so made.”