



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART VI

FINANCIAL PENALTIES AND ORDERS

Fines: general

127 General power of Crown Court to fine offender convicted on indictment

Where a person is convicted on indictment of any offence, other than an offence for which the sentence is fixed by law or falls to be imposed under section 109(2), 110(2) or 111(2) above, the court, if not precluded from sentencing the offender by its exercise of some other power, may impose a fine instead of or in addition to dealing with him in any other way in which the court has power to deal with him, subject however to any enactment requiring the offender to be dealt with in a particular way.

128 Fixing of fines

- (1) Before fixing the amount of any fine to be imposed on an offender who is an individual, a court shall inquire into his financial circumstances.
- (2) The amount of any fine fixed by a court shall be such as, in the opinion of the court, reflects the seriousness of the offence.
- (3) In fixing the amount of any fine to be imposed on an offender (whether an individual or other person), a court shall take into account the circumstances of the case including, among other things, the financial circumstances of the offender so far as they are known, or appear, to the court.
- (4) Subsection (3) above applies whether taking into account the financial circumstances of the offender has the effect of increasing or reducing the amount of the fine.

Status: This is the original version (as it was originally enacted).

(5) Where—

- (a) an offender has been convicted in his absence in pursuance of section 11 or 12 of the Magistrates' Courts Act 1980 (non-appearance of accused), or
- (b) an offender—
 - (i) has failed to comply with an order under section 126(1) above, or
 - (ii) has otherwise failed to co-operate with the court in its inquiry into his financial circumstances,

and the court considers that it has insufficient information to make a proper determination of the financial circumstances of the offender, it may make such determination as it thinks fit.

129 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 128(5) 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 139 below (powers of Crown Court in relation to fines) or section 82(5) of the Magistrates' Courts Act 1980 (magistrates' powers in relation to default), 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.