

Status: Point in time view as at 01/10/2009.

Changes to legislation: Courts Act 2003, SCHEDULE 5 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 5 **E+W**

Section 97(1)

COLLECTION OF FINES ^[F1] AND OTHER SUMS IMPOSED ON CONVICTION]

Textual Amendments

- F1** Sch. 5: words in heading inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, 5 (with transitional provision in art. 3)

Modifications etc. (not altering text)

- C1** Sch. 5 applied (with modifications) (temp. from 23.3.2004 for certain purposes, 29.3.2004 for certain further purposes, 5.4.2004 for all purposes to 31.3.2006) by [S.I. 2004/175](#), arts. 1-3, Sch. (as amended by [S.I. 2004/1406](#), arts. 3, 4; [S.I. 2005/487](#), arts. 4-6; [S.I. 2005/642](#), art. 2; [S.I. 2005/2410](#), art. 2; [S.I. 2005/3166](#), art. 2)
- C2** Sch. 5 modified (temp. from 27.3.2006 to 2.7.2006) by [The Collection of Fines \(Pilot Scheme\) and Discharge of Fines by Unpaid Work \(Pilot Schemes\) \(Amendment\) Order 2006 \(S.I. 2006/502\)](#), arts. 1(1)(b)(2), 5 (with transitional provision in art. 4)
- C3** Sch. 5 restricted (prosp.) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 56-58, 173(4)
- C4** Sch. 5 applied (1.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 85(7)(b), 153; [S.I. 2009/2606](#), art. 2(f)

PART 1 **E+W**

INTRODUCTORY

^[F2]Application of Schedule]

Textual Amendments

- F2** Sch. 5 para. 1 and heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, 6 (with transitional provision in art. 3)

- 1 ^[F3]This Schedule applies if a person aged 18 or over (“P”) is liable to pay a sum which is or is treated for the purposes of Part 3 of the 1980 Act as a sum adjudged to be paid by a conviction of a magistrates' court.]

Textual Amendments

- F3** Sch. 5 para. 1 and heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, 6 (with transitional provision in art. 3)

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Commencement Information

- II** Sch. 5 para. 1 wholly in force at 5.4.2004; Sch. 5 para. 1 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 1 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 1 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 1 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

[^{F4}Meaning of “the sum due” etc]

Textual Amendments

- F4** Sch. 5 para. 2 and heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), [arts. 1, 7](#)

- 2 [^{F5}(1) In this Schedule “the sum due” means the sum adjudged to be paid as mentioned in paragraph 1.
- (2) For the purposes of this Schedule—
- a “fine” does not include any pecuniary forfeiture or pecuniary compensation payable on conviction; and
- “a sum required to be paid by a compensation order” means any sum required to be paid by an order made under section 130(1) of the Powers of Criminal Courts (Sentencing) Act 2000.]

Textual Amendments

- F5** Sch. 5 para. 2 and heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), [arts. 1, 7](#)

Commencement Information

- I2** Sch. 5 para. 2 wholly in force at 5.4.2004; Sch. 5 para. 2 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 2 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 2 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 2 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Meaning of “existing defaulter” etc.

- 3 (1) For the purposes of this Schedule, P is an existing defaulter if it is shown that—
- (a) ^{F6}
- (b) the sum due or any other sum is registered for enforcement against him as a fine under—
- (i) section 71 of the Road Traffic Offenders Act 1988,
- (ii) section 9 of the Criminal Justice and Police Act 2001, or
- (iii) any other enactment specified in fines collection regulations,
- (c) he is in default on a collection order in respect of another sum falling within paragraph [^{F7}1], or
- (d) he is in default in payment of another sum falling within paragraph [^{F8}1] but in respect of which no collection order has been made.

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- (2) For the purposes of this Schedule, P’s existing default can be disregarded only if he shows that there was an adequate reason for it.
- (3) Sub-paragraph (2) is subject to sub-paragraph (4).
- (4) Where a sum is registered for enforcement against P as mentioned in sub-paragraph (1)(b), P’s existing default is not one which can be disregarded for the purposes of the following provisions of this Schedule.
- (5) ^{F9}
- (6) ^{F10}
- (7) “Collection order” means an order made under Part 4 of this Schedule.

Textual Amendments

- F6** Sch. 5 para. 3(1)(a) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, **8(a)(i)**
- F7** Words in Sch. 5 para. 3(1)(c) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, **8(a)(ii)**
- F8** Words in Sch. 5 para. 3(1)(d) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, **8(a)(ii)**
- F9** Sch. 5 para. 3(5) omitted (3.7.2007) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **8(b)**
- F10** Sch. 5 para. 3(6) omitted (3.7.2007) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **8(e)**

Commencement Information

- I3** Sch. 5 para. 3 wholly in force at 5.4.2004; Sch. 5 para. 3 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 3 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 3 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 3 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

^{F11F11}PART 2 E+W

IMMEDIATE PAYMENT OF FINES: DISCOUNTS

Textual Amendments

- F11** Sch. 5 Pt. 2 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **9**

Application of Part

-
- 4 This Part applies if the court which is imposing the liability to pay the sum due concludes—
 - (a) that P should be required to pay the sum due immediately, and

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- (b) that he is not an existing defaulter or, if he is, that his existing default (or defaults) can be disregarded.

Court's duty in relation to discount

.....

- 5 The court must make an order—
- (a) stating its conclusions on the matters referred to in paragraph 4(b),
 - (b) stating the amount of the sum due, the amount of the fine and the amount of any other part of the sum due, and
 - (c) informing P of the effect of paragraph 6.

The discount

.....

- 6 (1) P is allowed a discount on the fine if the sum due, less the amount of the discount, is paid in accordance with the terms of the order.
- (2) The amount of the discount is to be determined in accordance with fines collection regulations, but must not be greater than 50% of the fine.
- (3) The discount is given effect by extinguishing P's liability to pay the part of the sum due that is equal to the amount of the discount.

PART 3 **E+W**

ATTACHMENT OF EARNINGS ORDERS AND APPLICATIONS FOR BENEFIT DEDUCTIONS

Application of Part

- 7 ^{F12}(1) This Part does not apply where the court is hearing P's case following an appeal under paragraph 23, 32 or 37(9).]
- (2) In the following provisions of this Part, “the relevant court” means—
- (a) the court which is imposing the liability to pay the sum due, or
 - (b) ^{F13} . . . the magistrates' court responsible for enforcing payment of the sum due.
- ^{F14}(3) For the purposes of this Schedule—
- (a) an attachment of earnings order, or
 - (b) an application for benefit deductions,
- is an order or application to secure the payment of the whole of the sum due.]

Textual Amendments

F12 Sch. 5 para. 7(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **10(a)**

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F13 Words in Sch. 5 para. 7(2)(b) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **10(b)**

F14 Sch. 5 para. 7(3) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **10(c)**

Commencement Information

I7 Sch. 5 para. 7 wholly in force at 5.4.2004; Sch. 5 para. 7 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 7 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. **4(a)**; Sch. 5 para. 7 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. **4(b)**; Sch. 5 para. 7 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. **4(c)**

Attachment of earnings order or application for benefit deductions where P is liable to pay compensation

- [^{F15}7A (1) This paragraph applies if the sum due consists of or includes a sum required to be paid by a compensation order.
- (2) The relevant court must make an attachment of earnings order if it appears to the court—
- that P is in employment, and
 - that it is not impracticable or inappropriate to make the order.
- (3) The relevant court must make an application for benefit deductions if it appears to the court—
- that P is entitled to a relevant benefit, and
 - that it is not impracticable or inappropriate to make the application.
- (4) If it appears to the court that (apart from this sub-paragraph) both sub-paragraph (2) and sub-paragraph (3) would apply, the court must make either an attachment of earnings order or an application for benefit deductions.]

Textual Amendments

F15 [Sch. 5 para. 7A](#) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **11**

Attachment of earnings order or application for benefit deductions without P's consent

- 8 [^{F16}(1) This paragraph applies if—
- paragraph 7A does not apply, and
 - the relevant court concludes that P is an existing defaulter and that his existing default (or defaults) cannot be disregarded.]

(2) The court must make an attachment of earnings order if it appears to the court—

 - that P is in employment, and
 - that it is not impracticable or inappropriate to make the order.

(3) The court must make an application for benefit deductions if it appears to the court—

 - that P is entitled to a relevant benefit, and
 - that it is not impracticable or inappropriate to make the application.

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- (4) If it appears to the court that (apart from this sub-paragraph) both sub-paragraph (2) and sub-paragraph (3) would apply, the court must make either an attachment of earnings order or an application for benefit deductions.

Textual Amendments

F16 Sch. 5 para. 8(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 12

Commencement Information

I8 Sch. 5 para. 8 wholly in force at 5.4.2004; Sch. 5 para. 8 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 8 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. 4(a); Sch. 5 para. 8 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. 4(b); Sch. 5 para. 8 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. 4(c)

Attachment of earnings order or application for benefit deductions with P's consent

- 9 ^{F17}(1) This paragraph applies if—
- (a) paragraph 7A does not apply, and
 - (b) the relevant court concludes that P is not an existing defaulter or, if he is, that his existing default (or defaults) can be disregarded.]
- (2) The court may make—
- (a) an attachment of earnings order, or
 - (b) an application for benefit deductions,
- if P consents.

Textual Amendments

F17 Sch. 5 para. 9(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 13

Commencement Information

I9 Sch. 5 para. 9 wholly in force at 5.4.2004; Sch. 5 para. 9 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 9 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. 4(a); Sch. 5 para. 9 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. 4(b); Sch. 5 para. 9 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. 4(c)

^{F18}Disclosure of information in connection with application for benefit deductions

Textual Amendments

F18 Sch. 5 paras. 9A-9C and cross-headings inserted (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 41, 153; [S.I. 2008/2712](#), art. 2, Sch. para. 6 (subject to arts. 3, 4)

- 9A (1) The designated officer for a magistrates' court may make an information request to the Secretary of State for the purpose of facilitating the making of a decision by the court as to whether it is practicable or appropriate to make an application for benefit deductions in respect of P.

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- (2) An information request is a request for the disclosure of some or all of the following information—
 - (a) P's full name;
 - (b) P's address (or any of P's addresses);
 - (c) P's date of birth;
 - (d) P's national insurance number;
 - (e) P's benefit status.
- (3) On receiving an information request, the Secretary of State may disclose the information requested to—
 - (a) the officer who made the request, or
 - (b) a justices' clerk specified in the request.

Restrictions on disclosure

- 9B
- (1) A person to whom information is disclosed under paragraph 9A(3), or this sub-paragraph, may disclose the information to any person to whom its disclosure is necessary or expedient in connection with facilitating the making of a decision by the court as to whether it is practicable or appropriate to make an application for benefit deductions in respect of P.
 - (2) A person to whom such information is disclosed commits an offence if the person—
 - (a) discloses or uses the information, and
 - (b) the disclosure is not authorised by sub-paragraph (1) or (as the case may be) the use is not for the purpose of facilitating the making of such a decision as is mentioned in that sub-paragraph.
 - (3) But it is not an offence under sub-paragraph (2)—
 - (a) to disclose any information in accordance with any enactment or order of a court or for the purposes of any proceedings before a court; or
 - (b) to disclose any information which has previously been lawfully disclosed to the public.
 - (4) It is a defence for a person charged with an offence under sub-paragraph (2) to prove that the person reasonably believed that the disclosure or use was lawful.
 - (5) A person guilty of an offence under sub-paragraph (2) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Paragraphs 9A and 9B: supplementary

- 9C
- (1) This paragraph applies for the purposes of paragraphs 9A and 9B.
 - (2) “Benefit status”, in relation to P, means whether or not P is in receipt of any prescribed benefit or benefits and, if so (in the case of each benefit)—
 - (a) which benefit it is,
 - (b) where it is already subject to deductions under any enactment, the nature of the deductions concerned, and
 - (c) the amount received by P by way of the benefit, after allowing for any such deductions.
 - (3) “Information” means information held in any form.

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- (4) “Prescribed” means prescribed by regulations made by the Lord Chancellor.
- (5) Nothing in paragraph 9A or 9B authorises the making of a disclosure which contravenes the Data Protection Act 1998.]

Meaning of “relevant benefit” and “application for benefit deductions”

- 10 In this Schedule—
- (a) “relevant benefit” means a benefit from which the Secretary of State may make deductions by virtue of section 24 of the Criminal Justice Act 1991 (recovery of fines etc. by deductions from income support etc.), and
- (b) “application for benefit deductions”, in relation to a relevant benefit, means an application to the Secretary of State asking him to deduct sums from any amounts payable to P by way of the benefit.

Commencement Information

I10 Sch. 5 para. 10 wholly in force at 5.4.2004; Sch. 5 para. 10 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 10 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 10 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 10 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

PART 4 E+W

MAKING OF COLLECTION ORDERS

Application of Part

- 11 ^[F19](1) This Part applies whether or not the relevant court has made an attachment of earnings order or an application for benefit deductions under Part 3 of this Schedule.]
- (2) In this Part “the relevant court” has the same meaning as in Part 3 of this Schedule.

Textual Amendments

F19 Sch. 5 para. 11(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), [arts. 1, 14](#)

Commencement Information

I11 Sch. 5 para. 11 wholly in force at 5.4.2004; Sch. 5 para. 11 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 11 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 11 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 11 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Court’s power to make a collection order

- 12 (1) The relevant court 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 make the order.

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- (2) If P is subject to a collection order, the powers of any court to deal with P’s liability to pay the sum due are subject to the provisions of this Schedule and to fines collection regulations.

Commencement Information

I12 Sch. 5 para. 12 wholly in force at 5.4.2004; Sch. 5 para. 12 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 12 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 12 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 12 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Contents of collection orders: general

- 13 (1) The collection order must—
- [^{F20}(a) state the amount of the sum due,
 - (aa) where that sum consists of or includes a fine or a sum required to be paid by a compensation order, state—
 - (i) the amount of the fine, or the amount required to be paid by the compensation order (or, if applicable, the amount of the fine and the amount required to be paid by the compensation order), and
 - (ii) the amount of any other part of the sum due,]
 - (b) state the court’s conclusions as to whether P is an existing defaulter and if so whether the existing default (or defaults) can be disregarded,
 - (c) if the court has made an attachment of earnings order or an application for benefit deductions, state that fact,
 - (d) specify the fines office to which the order is allocated, and
 - (e) contain information about the effect of the order.
- (2) In this Schedule “the fines officer”, in relation to P, means any fines officer working at the fines office specified in the collection order.

Textual Amendments

F20 Sch. 5 para. 13(1)(a)(aa) substituted (3.7.2006) for Sch. 5 para. 13(1)(a) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), [arts. 1, 15](#)

Commencement Information

I13 Sch. 5 para. 13 wholly in force at 5.4.2004; Sch. 5 para. 13 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 13 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 13 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 13 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Contents of collection orders: no attachment of earnings order etc. made

- 14 (1) If the relevant court has not under Part 3 made an attachment of earnings order or an application for benefit deductions, the collection order must state the payment terms.
- (2) “The payment terms” means—
- (a) a term requiring P to pay the sum due within a specified period, or

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- (b) terms requiring P to pay the sum due by instalments of specified amounts on or before specified dates.

Commencement Information

I14 Sch. 5 para. 14 wholly in force at 5.4.2004; Sch. 5 para. 14 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 14 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 14 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 14 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Contents of collection orders: attachment of earnings order etc. made

- 15 (1) If the court has under Part 3 of this Schedule made an attachment of earnings order or an application for benefit deductions, the collection order must state the reserve terms.
- (2) “The reserve terms” means terms of a description mentioned in paragraph 14(2) but which (subject to paragraphs 31, 32^{F21} . . . and 39) are to have effect if the attachment of earnings order or application for benefit deductions fails.

Textual Amendments

F21 Words in Sch. 5 para. 15(2) omitted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 16

Commencement Information

I15 Sch. 5 para. 15 wholly in force at 5.4.2004; Sch. 5 para. 15 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 15 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 15 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 15 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

When an attachment of earnings order fails

- 16 For the purposes of this Schedule, an attachment of earnings order fails if—
- (a) P’s employer fails to comply with the order, or
- (b) the order is discharged at a time when P remains liable to pay any part of the sum due.

Commencement Information

I16 Sch. 5 para. 16 wholly in force at 5.4.2004; Sch. 5 para. 16 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 16 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 16 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 16 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

When an application for benefit deductions fails

- 17 For the purposes of this Schedule, an application for benefit deductions fails if—
- (a) the application is withdrawn,
- (b) the Secretary of State decides not to make deductions,

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- (c) an appeal against a decision of the Secretary of State to make deductions succeeds, or
- (d) the Secretary of State ceases to make deductions at a time when P remains liable to pay any part of the sum due.

Commencement Information

I17 Sch. 5 para. 17 wholly in force at 5.4.2004; Sch. 5 para. 17 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 17 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 17 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 17 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

F22F22 **PART 5** **E+W**

DISCOUNT WHERE COLLECTION ORDER MADE

Textual Amendments

F22 Sch. 5 Pt. 5 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), [arts. 1, 17](#)

Application of Part

-
- 18 This Part applies if—
- (a) a collection order has been made in respect of the sum due, and
 - (b) the order states that P is not an existing defaulter or, if he is, that his existing default (or defaults) can be disregarded.

Discount on fine if the sum due is paid without default

-
- 19
- (1) P is allowed a discount on the fine if the sum due, less the amount of the discount, is paid without P at any time having been in default on the order.
 - (2) The amount of the discount is to be determined in accordance with fines collection regulations but must not be greater than 50% of the fine.
 - (3) The discount is given effect by extinguishing P’s liability to pay the part of the sum due that is equal to the amount of the discount.

Meaning of “in default on a collection order”

.....

Status: Point in time view as at 01/10/2009.

Changes to legislation: Courts Act 2003, SCHEDULE 5 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 20 For the purposes of this Schedule, P is in default on a collection order if he fails to pay any amount due under the payment terms (or, if they have effect, the reserve terms) on or before the date on which it is required to be paid.

PART 6 E+W

VARIATION OF COLLECTION ORDERS CONTAINING PAYMENT TERMS

Application of Part

- 21 This Part applies if the court has made a collection order and the order contains payment terms.

Commencement Information

I21 Sch. 5 para. 21 wholly in force at 5.4.2004; Sch. 5 para. 21 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 21 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 21 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 21 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Application to fines officer for variation of order or attachment of earnings order etc.

- 22 (1) P may, at any time—
- (a) after the collection order is made and before Part 7 applies, and
 - (b) when he is not in default on the order,
- apply to the fines officer under this paragraph.
- (2) P may apply for—
- (a) the payment terms to be varied, or
 - (b) an attachment of earnings order or application for benefit deductions to be made.
- (3) No application may be made under sub-paragraph (2)(a) unless—
- (a) there has been a material change in P's circumstances since the collection order was made (or the payment terms were last varied under this paragraph), or
 - (b) P is making further information about his circumstances available.
- (4) On an application under sub-paragraph (2)(a), the fines officer may decide—
- (a) to vary the payment terms in P's favour, or
 - (b) not to vary them.
- (5) On an application under sub-paragraph (2)(b), the fines officer may decide—
- (a) to make an attachment of earnings order or application for benefit deductions, or
 - (b) not to do so.
- (6) If he decides to make an order or application he must vary the collection order so that it states reserve terms.
- (7) The reserve terms must not be less favourable to P than the payment terms.

Status: Point in time view as at 01/10/2009.

Changes to legislation: Courts Act 2003, SCHEDULE 5 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (8) A decision of the fines officer under this paragraph must be in writing, dated and delivered to P.
- (9) Subject to paragraph 23, the effect of—
- (a) a decision under sub-paragraph (4)(a), and
 - (b) a variation under sub-paragraph (6),
- is that the collection order has effect as varied by the fines officer.

Commencement Information

I22 Sch. 5 para. 22 wholly in force at 5.4.2004; Sch. 5 para. 22 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 22 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 22 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 22 in force for all purposes at 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

Appeal against decision of fines officer

- 23 (1) P may, within 10 working days from the date of a decision under paragraph 22, appeal to the magistrates' court against the decision.
- (2) On an appeal under this paragraph the magistrates' court may—
- (a) confirm or vary the payment terms (or the reserve terms),
 - (b) if the appeal is against a decision on an application under paragraph 22(2)(b) or if P consents, make an attachment of earnings order or an application for benefit deductions, or
 - (c) discharge the collection order and exercise any of its standard powers in respect of persons liable to pay fines.
- (3) If the court makes an attachment of earnings order or an application for benefit deductions, it must vary the collection order so that it states reserve terms.

Commencement Information

I23 Sch. 5 para. 23 wholly in force at 5.4.2004; Sch. 5 para. 23 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 23 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 23 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 23 in force for all purposes at 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

Nature of power to vary terms of collection order

- 24 (1) A power to vary the payment terms of a collection order includes power to—
- (a) substitute terms requiring P to pay by specified instalments on or before specified dates for a term requiring P to pay within a specified period, or
 - (b) substitute a term requiring P to pay within a specified period for terms requiring P to pay the sum due by specified instalments on or before specified dates.
- (2) Subject to sub-paragraph (1), a power to vary the payment terms of a collection order under which the sum due is required to be paid within a specified period is a power to vary the date on or before which the sum due is to be paid.

Status: Point in time view as at 01/10/2009.

Changes to legislation: Courts Act 2003, SCHEDULE 5 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) Subject to sub-paragraph (1), a power to vary the payment terms of a collection order under which the sum due is required to be paid by specified instalments on or before specified dates is a power to vary—
- (a) the number of instalments payable;
 - (b) the amount of any instalment;
 - (c) the date on or before which any instalment is required to be paid.
- (4) This paragraph applies in relation to the variation of the reserve terms as it applies in relation to the payment terms.

Commencement Information

I24 Sch. 5 para. 24 wholly in force at 5.4.2004; Sch. 5 para. 24 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 24 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 24 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 24 in force for all purposes at 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

Meaning of “in default on a collection order”

[^{F23}24A For the purposes of this Schedule, P is in default on a collection order if he fails to pay any amount due under the payment terms (or, if they have effect, the reserve terms) on or before the date on which it is required to be paid.]

Textual Amendments

F23 Sch. 5 para. 24A inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 18

PART 7 E+W

EFFECT OF FIRST DEFAULT ON COLLECTION ORDER CONTAINING PAYMENT TERMS

Application of Part

- 25 This Part applies on the first occasion on which P is in default on a collection order containing payment terms and none of the following is pending—
- (a) an application under paragraph 22 (application to fines officer for variation of order or for attachment of earnings order etc.);
 - (b) an appeal under paragraph 23 (appeal against decision of fines officer);
 - (c) a reference under paragraph 42 (power of fines officer to refer case to magistrates' court).

Commencement Information

I25 Sch. 5 para. 25 wholly in force at 5.4.2004; Sch. 5 para. 25 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 25 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 25 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 25 in force for all purposes at 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

Status: Point in time view as at 01/10/2009.

Changes to legislation: Courts Act 2003, SCHEDULE 5 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Attachment of earnings order or application for benefit deductions to be made

- 26 (1) The fines officer must make an attachment of earnings order if it appears to him—
- (a) that P is in employment, and
 - (b) that it is not impracticable or inappropriate to make the order.
- (2) The fines officer must make an application for benefit deductions if it appears to him—
- (a) that P is entitled to a relevant benefit, and
 - (b) that it is not impracticable or inappropriate to make the application.
- (3) If it appears to the fines officer that (apart from this sub-paragraph) both sub-paragraph (1) and sub-paragraph (2) would apply, he must make either an attachment of earnings order or an application for benefit deductions.

Commencement Information

I26 Sch. 5 para. 26 wholly in force at 5.4.2004; Sch. 5 para. 26 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 26 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 26 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 26 in force for all purposes at 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

Increase in fine

27 **F24**

Textual Amendments

F24 Sch. 5 para. 27 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, [19\(a\)](#)

Commencement Information

I27 Sch. 5 para. 27 wholly in force at 5.4.2004; Sch. 5 para. 27 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 27 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 27 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 27 in force for all purposes at 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

Notice of increase etc.

28 **F25**

Textual Amendments

F25 Sch. 5 para. 28 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, [19\(a\)](#)

Commencement Information

I28 Sch. 5 para. 28 wholly in force at 5.4.2004; Sch. 5 para. 28 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 28 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 28 in

Status: Point in time view as at 01/10/2009.

Changes to legislation: Courts Act 2003, SCHEDULE 5 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 28 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

PART 8 E+W

OPERATION OF COLLECTION ORDERS CONTAINING RESERVE TERMS

Application of Part

- 29 This Part applies if—
- (a) a collection order contains reserve terms, and
 - (b) the attachment of earnings order or application for benefit deductions made under Part 3 or 6 fails.

Commencement Information

I29 Sch. 5 para. 29 wholly in force at 5.4.2004; Sch. 5 para. 29 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 29 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 29 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 29 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Requirement to notify P on failure of an attachment of earnings order etc.

- 30 The fines officer must deliver to P a notice (“a payment notice”) informing P—
- (a) that the order or application has failed and the reserve terms have effect,
 - (b) what P has to do to comply with the reserve terms, and
 - (c) of his right to make applications under paragraph 31.

Commencement Information

I30 Sch. 5 para. 30 wholly in force at 5.4.2004; Sch. 5 para. 30 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 30 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 30 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 30 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Application to fines officer for variation of reserve terms

- 31 (1) P may, at any time—
- (a) after the date of a payment notice under paragraph 30 and before [F²⁶a further steps notice is delivered to him under paragraph 37] , and
 - (b) when he is not in default on the collection order,
- apply to the fines officer for the reserve terms to be varied.
- (2) No application may be made under sub-paragraph (1) unless—
- (a) there has been a material change in P’s circumstances since the reserve terms were set (or last varied under this paragraph), or
 - (b) P is making further information about his circumstances available.

Status: Point in time view as at 01/10/2009.

Changes to legislation: Courts Act 2003, SCHEDULE 5 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) On such an application being made, the fines officer may decide—
 - (a) to vary the reserve terms in P’s favour, or
 - (b) not to vary them.
- (4) A decision of the fines officer under this paragraph must be in writing, dated and delivered to P.
- (5) Subject to paragraph 32, the effect of a decision under sub-paragraph (3)(a) is that the collection order has effect with the reserve terms varied in the way decided by the fines officer.

Textual Amendments

F26 Words in Sch. 5 para. 31 omitted (3.7.2006) by virtue of The Collection of Fines (Final Scheme) Order (S.I. 2006/1737), arts. 1, {20}

Commencement Information

I31 Sch. 5 para. 31 wholly in force at 5.4.2004; Sch. 5 para. 31 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 31 in force for certain purposes at 23.2.2004 by S.I. 2004/174, art. 4(a); Sch. 5 para. 31 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, art. 4(b); Sch. 5 para. 31 in force for all purposes at 5.4.2004 by S.I. 2004/174, art. 4(c)

Appeal against decision of fines officer

- 32 (1) P may, within 10 working days from the date of a decision under paragraph 31(3), appeal to the magistrates' court against the decision.
- (2) On an appeal under this paragraph the magistrates' court may—
 - (a) confirm or vary the reserve terms, or
 - (b) discharge the order and exercise any of its standard powers in respect of persons liable to pay fines [^{F27}or other sums] .

Textual Amendments

F27 Words in Sch. 5 para. 32(2)(b) inserted (3.7.2006) by The Collection of Fines (Final Scheme) Order (S.I. 2006/1737), arts. 1, 21

Commencement Information

I32 Sch. 5 para. 32 wholly in force at 5.4.2004; Sch. 5 para. 32 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 32 in force for certain purposes at 23.2.2004 by S.I. 2004/174, art. 4(a); Sch. 5 para. 32 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, art. 4(b); Sch. 5 para. 32 in force for all purposes at 5.4.2004 by S.I. 2004/174, art. 4(c)

Increase in fine on first default

Status: Point in time view as at 01/10/2009.

Changes to legislation: Courts Act 2003, SCHEDULE 5 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F28 Sch. 5 para. 33 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **22(a)**

Commencement Information

I33 Sch. 5 para. 33 wholly in force at 5.4.2004; Sch. 5 para. 33 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 33 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. **4(a)**; Sch. 5 para. 33 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. **4(b)**; Sch. 5 para. 33 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. **4(c)**

Notice of increase etc.

34

F29

Textual Amendments

F29 Sch. 5 para. 34 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **22(b)**

Commencement Information

I34 Sch. 5 para. 34 wholly in force at 5.4.2004; Sch. 5 para. 34 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 34 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. **4(a)**; Sch. 5 para. 34 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. **4(b)**; Sch. 5 para. 34 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. **4(c)**

PART 9 E+W

[^{F30}FURTHER STEPS]

Textual Amendments

F30 Sch. 5 Pt. 9: heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **23**

Effect of compliance with requirement to contact fines officer

35

F31

Textual Amendments

F31 Sch. 5 para. 35 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **24(a)**

Commencement Information

I35 Sch. 5 para. 35 wholly in force at 5.4.2004; Sch. 5 para. 35 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 35 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. **4(a)**; Sch. 5 para. 35 in

Status: Point in time view as at 01/10/2009.

Changes to legislation: Courts Act 2003, SCHEDULE 5 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 35 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Application to fines officer after increase for variation of payment terms

36

F32

Textual Amendments

F32 Sch. 5 para. 36 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, [24\(b\)](#)

Commencement Information

I36 Sch. 5 para. 36 wholly in force at 5.4.2004; Sch. 5 para. 36 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 36 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 36 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 36 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Functions of fines officer in relation to defaulters: referral or further steps notice

37 ^{F33}(1) This paragraph applies if—

- (a) P is in default on a collection order,
- (b) paragraph 26 does not apply, and
- (c) none of the following is pending—
 - (i) an application under paragraph 31(1) (application to fines officer for variation and reserve terms),
 - (ii) an appeal under paragraph 32(1) (appeal against decision of fines officer),
 - (iii) a reference under paragraph 42 (power of fines officer to refer case to magistrates' court).

F34

(6) The fines officer must—

- (a) refer P's case to the magistrates' court, or
- (b) deliver to P a notice (a “further steps notice”) that he intends to take one or more of the steps listed in paragraph 38.

(7) Any steps that the fines officer intends to take must be specified in the notice.

(8) A further steps notice must be in writing and dated.

(9) P may, within 10 working days from the date of the further steps notice, appeal to the magistrates' court against it.

Textual Amendments

F33 Sch. 5 para. 37(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, [25\(a\)](#)

F34 Sch. 5 para. 37(2)-(5) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, [25\(b\)](#)

Status: Point in time view as at 01/10/2009.

Changes to legislation: Courts Act 2003, SCHEDULE 5 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- I37** Sch. 5 para. 37 wholly in force at 5.4.2004; Sch. 5 para. 37 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 37 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 37 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 37 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

The range of further steps available against defaulters

- 38 (1) The steps referred to in paragraphs 37(6)(b) and 39(3) and (4) (powers to take further steps) are—
- (a) issuing a warrant of distress for the purpose of levying the sum due;
 - (b) registering the sum in the register of judgments and orders required to be kept by section 98;
 - (c) making an attachment of earnings order or an application for benefit deductions;
 - (d) subject to sub-paragraph (3), making a clamping order;
 - [^{F35}(e) taking proceedings by virtue of section 87(1) of the 1980 Act (enforcement of payment of fines by High Court and county court).]
 - [^{F36}(f) subject to sub-paragraph (4), issuing a certificate requesting enforcement under the Framework Decision on financial penalties;]
- (2) A clamping order is an order—
- (a) that a motor vehicle be fitted with an immobilisation device (“clamped”), and
 - (b) which complies with any requirements that are imposed by fines collection regulations under paragraph 46 with respect to the making of clamping orders.
- (3) A clamping order must not be made except in relation to a vehicle which is registered under the Vehicle Excise and Registration Act 1994 in P’s name.
- [^{F37}(4) A certificate requesting enforcement under the Framework Decision on financial penalties may only be issued where—
- (a) the sum due is a financial penalty within the meaning of section 80 of the Criminal Justice and Immigration Act 2008, and
 - (b) it appears to the fines officer or the court that P is normally resident, or has property or income, in a member State other than the United Kingdom.
- (5) In this paragraph, references to a certificate requesting enforcement under the Framework Decision on financial penalties are to be construed in accordance with section 92(3) of the Criminal Justice and Immigration Act 2008.]

Textual Amendments

- F35** Sch. 5 para. 38(1)(e) substituted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), [arts. 1, 26](#)
- F36** Sch. 5 para. 38(1)(f) inserted (1.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 80\(1\)\(a\), 153](#) (with [Sch. 27 para. 29\(1\)](#)); [S.I. 2009/2606](#), [art. 2\(a\)](#)
- F37** Sch. 5 para. 38(4)(5) inserted (1.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 80\(1\)\(b\), 153](#) (with [Sch. 27 para. 29\(1\)](#)); [S.I. 2009/2606](#), [art. 2\(a\)](#)

Status: Point in time view as at 01/10/2009.

Changes to legislation: Courts Act 2003, SCHEDULE 5 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I38 Sch. 5 para. 38 wholly in force at 5.4.2004; Sch. 5 para. 38 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 38 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 38 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 38 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Powers of court ^{F38} . . .

Textual Amendments

F38 Sch. 5 para. 39: words in heading omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, [27\(d\)](#)

- 39 (1) This paragraph applies if the magistrates' court is hearing P's case following—
- (a) ^{F39}
 - (b) a referral under paragraph 37(6)(a) (functions of fines officer in relation to defaulters), or
 - (c) an appeal under paragraph 37(9) (appeal against a further steps notice).
- (2) ^{F39}
- (3) On [^{F40}a] referral falling within sub-paragraph [^{F41}(1)(b)] , the court may—
- (a) vary the payment terms (or the reserve terms);
 - (b) take any of the steps listed in paragraph 38;
 - (c) discharge the order and exercise any of its standard powers in respect of persons liable to pay fines [^{F42}or other sums] .
- (4) On an appeal against a further steps notice, the court may—
- (a) confirm or quash the notice;
 - (b) vary the notice so as to specify any step listed in paragraph 38;
 - (c) vary the payment terms (or the reserve terms);
 - (d) discharge the order and exercise any of its standard powers in respect of persons liable to pay fines [^{F43}or other sums] .

Textual Amendments

- F39** Sch. 5 para. 39(1)(a)(2) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, [27\(a\)](#)
- F40** Words in Sch. 5 para. 39(3) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, [27\(b\)\(i\)](#)
- F41** Words in Sch. 5 para. 39(3) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, [27\(b\)\(ii\)](#)
- F42** Words in Sch. 5 para. 39(3)(c) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, [27\(c\)\(i\)](#)
- F43** Words in Sch. 5 para. 39(4)(d) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, [27\(c\)\(ii\)](#)

Status: Point in time view as at 01/10/2009.

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Commencement Information

I39 Sch. 5 para. 39 wholly in force at 5.4.2004; Sch. 5 para. 39 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 39 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 39 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 39 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Implementation of further steps notice

- 40 If—
- (a) P does not appeal within 10 working days against a further steps notice, or
 - (b) he does so but the further steps notice is confirmed or varied,
- any step specified in the notice (or the notice as varied) may be taken.

Commencement Information

I40 Sch. 5 para. 40 wholly in force at 5.4.2004; Sch. 5 para. 40 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 40 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 40 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 40 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Power to order sale of clamped vehicle

- 41 (1) This paragraph applies if—
- (a) a motor vehicle has been clamped under a clamping order, and
 - (b) at the end of the period specified in fines collection regulations under paragraph 46 any part of the sum due is unpaid.
- (2) The magistrates' court may order that—
- (a) the vehicle is to be sold or otherwise disposed of in accordance with those regulations, and
 - (b) any proceeds are to be applied in accordance with those regulations in discharging P's liability in respect of the sum due.

Commencement Information

I41 Sch. 5 para. 41 wholly in force at 5.4.2004; Sch. 5 para. 41 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 41 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 41 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 41 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Power of fines officer to refer case to magistrates' court

- 42 (1) The fines officer may refer a case to the magistrates' court at any time during the period which—
- (a) begins the day after the collection order is made, and
 - (b) ends with the date on which—
 - (i) the sum due (including any increase to which he remains liable) is paid, or

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(ii) the order is discharged.

(2) On a referral under this paragraph, the court may—

- (a) confirm or vary the payment terms (or the reserve terms),
- [^{F44}(b) exercise any of its standard powers in respect of persons liable to pay fines or other sums, or]
- (c) ^{F45} . . . exercise a power it could exercise under any other paragraph.

[^{F46}(2A) Where the court exercises any of its standard powers under sub-paragraph (2)(b) it may also discharge the order.]

(3) Fines collection regulations may provide for the fines officer to have the power to issue a summons for the purpose of ensuring that P attends a magistrates' court to whom P's case has been referred under this paragraph or paragraph 37.

Textual Amendments

- F44** Sch. 5 para. 42(2)(b) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **28(a)(i)**
- F45** Words in Sch. 5 para. 42(2)(c) omitted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **28(a)(ii)**
- F46** Sch. 5 para. 42A(2A) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **28(b)**

Commencement Information

- I42** Sch. 5 para. 42 wholly in force at 5.4.2004; Sch. 5 para. 42 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 42 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 42 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 42 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

Increase in fine by court

[^{F47}42A(1) This paragraph applies where—

- (a) P is in default on a collection order,
- (b) the sum due consists of or includes a fine, and
- (c) the fines officer has referred P's case to the court—
 - (i) under paragraph 37(6)(a), or
 - (ii) after taking any of the steps listed in paragraph 38.

(2) Where the court is satisfied that the default is due to P's wilful refusal or culpable neglect, the court may increase the fine which is the subject of the order.

(3) But the court may not increase any other sum which is the subject of the order.

(4) The amount of the increase is to be determined in accordance with fines collection regulations but must not be greater than 50% of the fine.

(5) The increase is given effect by treating it as part of the fine imposed on P by his conviction.]

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Textual Amendments

- F47** Sch. 5 para. 42A inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **29**

PART 10 E+W

SUPPLEMENTARY PROVISIONS

Fines collection regulations

- 43 In this Schedule “fines collection regulations” means regulations made by the Lord Chancellor for the purpose of giving effect to this Schedule.

Commencement Information

- I43** Sch. 5 para. 43 wholly in force at 5.4.2004; Sch. 5 para. 43 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 43 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 43 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 43 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

- 44 (1) Fines collection regulations may, for the purpose of giving effect to this Schedule and section 97 so far as it relates to this Schedule, make provision modifying (or applying with modifications) any enactment which relates to fines or the enforcement of payment of sums falling within paragraph [^{F48}1] .
- (2) The enactments which may be so modified (or applied with modifications) include enactments containing offences.
- (3) Fines collection regulations may make different provision for different cases.

Textual Amendments

- F48** Words in Sch. 5 para. 44(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **30**

Commencement Information

- I44** Sch. 5 para. 44 wholly in force at 5.4.2004; Sch. 5 para. 44 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 44 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 44 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 44 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

- 45 Fines collection regulations may, for the purpose of giving effect to the powers to make attachment of earnings orders, make provision as to the method for calculating the amounts which are to be deducted from P’s earnings.

Commencement Information

- I45** Sch. 5 para. 45 wholly in force at 5.4.2004; Sch. 5 para. 45 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 45 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 45 in

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force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 45 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

- 46 (1) Fines collection regulations may, for the purpose of giving effect to the powers to make clamping orders and to order the sale of clamped motor vehicles, make provision in connection with—
- (a) the fitting of immobilisation devices;
 - (b) the fitting of immobilisation notices to motor vehicles to which immobilisation devices have been fitted;
 - (c) the removal and storage of motor vehicles;
 - (d) the release of motor vehicles from immobilisation devices or from storage (including the conditions to be met before the vehicle is released);
 - (e) the sale or other disposal of motor vehicles not released.
- (2) Fines collection regulations must provide that an immobilisation device may not be fitted to a vehicle—
- (a) which displays a current disabled person’s badge [^{F49}]; or a current recognised badge], or
 - (b) in relation to which there are reasonable grounds for believing that it is used for the carriage of a disabled person.
- (3) In this Schedule—
- “disabled person’s badge” means a badge issued, or having effect as if issued, under regulations made under section 21 of the Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by disabled persons);
- “immobilisation device” has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984 (immobilisation of vehicles illegally parked);
- “motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, except that section 189 of the Road Traffic Act 1988 (exceptions for certain vehicles) applies for the purposes of this Schedule as it applies for the purposes of the Road Traffic Acts.
- [^{F50}“recognised badge” has the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970 (recognition of badges issued outside Great Britain).]

Textual Amendments

- F49** Words in Sch. 5 para. 46(2)(a) inserted (30.6.2005 for E. and 30.3.2008 for W.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)(6) {Sch 1 para. 47(1)(2)}; [S.I. 2005/1676](#), [art. 3\(c\)](#); [S.I. 2007/3285](#), [art. 2\(b\)](#)
- F50** Words in Sch. 5 para. 46(3) inserted (30.6.2005 for E. and 30.3.2008 for W.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)(6), [Sch. 1 para. 47\(1\)\(3\)](#); [S.I. 2005/1676](#), [art. 3\(c\)](#); [S.I. 2007/3285](#), [art. 2\(b\)](#)

Commencement Information

- I46** Sch. 5 para. 46 wholly in force at 5.4.2004; Sch. 5 para. 46 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 46 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 46 in

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force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 46 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

47

F51

Textual Amendments

F51 Words in Sch. 5 para. 47 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), [arts. 1, 31](#)

Commencement Information

I47 Sch. 5 para. 47 wholly in force at 5.4.2004; Sch. 5 para. 47 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 47 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 47 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 47 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Offences of providing false information, failing to disclose information etc.

- 48 (1) P commits an offence if, in providing a statement of his financial circumstances to a fines officer in response to a relevant request, 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.
- (2) A person guilty of an offence under sub-paragraph (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) P commits an offence if he fails to provide a statement of his financial circumstances to a fines officer in response to a relevant request.
- (4) A person guilty of an offence under sub-paragraph (3) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) A relevant request is a request for information about P's financial circumstances which—
- (a) is made by a fines officer, and
 - (b) is expressed to be made for the purpose of determining whether or how the fines officer should vary the payment terms (or the reserve terms) of a collection order in P's favour.
- (6) Proceedings in respect of an offence under this paragraph may be commenced at any time within—
- (a) 2 years from the date of the commission of the offence, or
 - (b) 6 months from its first discovery by the prosecutor,
- whichever ends first.

Commencement Information

I48 Sch. 5 para. 48 wholly in force at 5.4.2004; Sch. 5 para. 48 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 48 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 48 in

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force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 48 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Offence of meddling with vehicle clamp

- 49 (1) A person commits an offence if he removes or attempts to remove—
- (a) an immobilisation device, or
 - (b) an immobilisation notice,
- fitted or fixed to a motor vehicle in accordance with a clamping order made under a further steps notice or under paragraph 39(3)(b) (powers of court ^{F52}. . .).
- (2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Textual Amendments

F52 Words in Sch. 5 para. 49(1) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, [32](#)

Commencement Information

I49 Sch. 5 para. 49 wholly in force at 5.4.2004; Sch. 5 para. 49 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 49 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 49 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 49 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

[^{F53}Meaning of “standard powers in respect of persons liable to pay fines or other sums”]

Textual Amendments

F53 [Sch. 5 para. 50](#) and heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, {33}

- 50 [^{F54}In this Schedule “standard powers in respect of persons liable to pay fines or other sums” means any power that a magistrates' court would have had if P had not been subject to a collection order but had been liable to pay the sum due.]

Textual Amendments

F54 Sch. 5 para. 50 and heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, [33](#)

Commencement Information

I50 Sch. 5 para. 50 wholly in force at 5.4.2004; Sch. 5 para. 50 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 50 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 50 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 50 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

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Meaning of references to pending appeals

- 51 For the purposes of this Schedule the period during which an appeal under this Schedule is pending is to be treated as including the period within which the appeal may be brought (regardless of whether it is in fact brought).

Commencement Information

- I51** Sch. 5 para. 51 wholly in force at 5.4.2004; Sch. 5 para. 51 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 51 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 51 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 51 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Meaning of “10 working days”

- 52 In this Schedule “10 working days” means any period of 10 days not including—
- (a) Saturday or Sunday,
 - (b) Christmas Day or Good Friday, or
 - (c) any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.

Commencement Information

- I52** Sch. 5 para. 52 wholly in force at 5.4.2004; Sch. 5 para. 52 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 52 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 52 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 52 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Meaning of “the magistrates' court”

- 53 In this Schedule “the magistrates' court”, in relation to a collection order, means any magistrates' court acting in the local justice area in which the court which made the order was sitting.

Commencement Information

- I53** Sch. 5 para. 53 wholly in force at 5.4.2004; Sch. 5 para. 53 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 53 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 53 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 53 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Status:

Point in time view as at 01/10/2009.

Changes to legislation:

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