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SCHEDULES

SCHEDULE 5

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)
- C1** 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)
- C1** Sch. 5 restricted (prosp.) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 56-58, 173(4)
- C1** 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

INTRODUCTORY

^[F1]Application of Schedule]

Textual Amendments

- F1** 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)

^[F2]^[F3](1) This Schedule^[F4], apart from Part 3B,] 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.]

^[F5](2) Part 3B applies in a case where Chapter 1 of Part 1 of the Justice Act (Northern Ireland) 2016 (collection of fines etc.) applies.]

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)

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- F3** Sch. 5 para. 1 renumbered as Sch. 5 para. 1(1) (N.I.) (coming into force in accordance with art. 1(2) of the amending S.I.) by [The Collection of Fines etc. \(Northern Ireland Consequential Amendments\) Order 2017 \(S.I. 2017/570\)](#), arts. 1(2), **2(1)** and renumbered as Sch. 5 para. 1(1) (E.W.) (7.11.2023) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(4), **Sch. 2 para. 3(2)(a)**; S.I. 2023/1194, **reg. 2(e)**
- F4** Words in Sch. 5 para. 1(1) inserted (N.I.) (coming into force in accordance with art. 1(2) of the amending S.I.) by [The Collection of Fines etc. \(Northern Ireland Consequential Amendments\) Order 2017 \(S.I. 2017/570\)](#), arts. 1(2), **2(1)(a)**
- F5** Sch. 5 para. 1(2) inserted (N.I.) (coming into force in accordance with art. 1(2) of the amending S.I.) by [The Collection of Fines etc. \(Northern Ireland Consequential Amendments\) Order 2017 \(S.I. 2017/570\)](#), arts. 1(2), **2(1)(b)**

[^{F6}Meaning of “the sum due” etc]

Textual Amendments

- F6** 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

[^{F7}2 (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 [^{F8} or Chapter 2 of Part 7 of the Sentencing Code][^{F9}; ^{F10} ...

“a sum required to be paid by an unlawful profit order” means any sum required to be paid by an order made under section 4 of the Prevention of Social Housing Fraud Act 2013]

[^{F11}“a sum required to be paid by a slavery and trafficking reparation order” means any sum required to be paid by an order made under section 8 of the Modern Slavery Act 2015].]

Textual Amendments

- F7** 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
- F8** Words in Sch. 5 para. 2(2) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 203** (with [Sch. 27](#)); S.I. 2020/1236, **reg. 2**
- F9** Words in Sch. 5 para. 2(2) 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. 25**; S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2
- F10** Words in Sch. 5 para. 2(2) omitted (31.7.2015) by virtue of [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), **Sch. 5 para. 23(2)(a)**; S.I. 2015/1476, **reg. 2(j)**
- F11** Words in Sch. 5 para. 2(2) inserted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), **Sch. 5 para. 23(2)(b)**; S.I. 2015/1476, **reg. 2(j)**

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Meaning of “existing defaulter” etc.

- 3 (1) For the purposes of this Schedule, P is an existing defaulter if it is shown that—
- (a) ^{F12}
 - (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 [^{F13}1], or
 - (d) he is in default in payment of another sum falling within paragraph [^{F14}1] but in respect of which no collection order has been made.
- (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) ^{F15}
- (6) ^{F16}
- (7) “Collection order” means an order made under Part 4 of this Schedule.

Textual Amendments

- F12** 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)**
- F13** 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)**
- F14** 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)**
- F15** 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)**
- F16** 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(c)**

Commencement Information

- II** 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)**

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