



Criminal Justice Act 2003

2003 CHAPTER 44

PART 12 U.K.

SENTENCING

CHAPTER 1 E+W

GENERAL PROVISIONS ABOUT SENTENCING

Fines

162 Powers to order statement as to offender's financial circumstances E+W

- (1) Where an individual has been convicted of an offence, the court may, before sentencing him, make a financial circumstances order with respect to him.
- (2) Where a magistrates' court has been notified in accordance with section 12(4) of the Magistrates' Courts Act 1980 (c. 43) that an individual desires to plead guilty without appearing before the court, the court may make a financial circumstances order with respect to him.
- (3) In this section "a financial circumstances order" means, in relation to any individual, an order requiring him to give to the court, within such period as may be specified in the order, such a statement of his financial circumstances as the court may require.
- (4) An individual who without reasonable excuse fails to comply with a financial circumstances order is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) If an individual, in furnishing any statement in pursuance of a financial circumstances order—
 - (a) makes a statement which he knows to be false in a material particular,
 - (b) recklessly furnishes a statement which is false in a material particular, or

Status: Point in time view as at 04/04/2005.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Fines is up to date with all changes known to be in force on or before 25 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)

- (c) knowingly fails to disclose any material fact,
he is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (6) Proceedings in respect of an offence under subsection (5) may, notwithstanding anything in section 127(1) of the Magistrates' Courts Act 1980 (c. 43) (limitation of time), be commenced at any time within two years from the date of the commission of the offence or within six months from its first discovery by the prosecutor, whichever period expires the earlier.

Commencement Information

- II** S. 162 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 7](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

163 General power of Crown Court to fine offender convicted on indictment **E+W**

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 110(2) or 111(2) of the Sentencing Act or under any of sections 225 to 228 of this Act, the court, if not precluded from sentencing an 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.

Commencement Information

- II** S. 163 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 7](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

164 Fixing of fines **E+W**

- (1) Before fixing the amount of any fine to be imposed on an offender who is an individual, a court must inquire into his financial circumstances.
- (2) The amount of any fine fixed by a court must 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 must 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) applies whether taking into account the financial circumstances of the offender has the effect of increasing or reducing the amount of the fine.
- (5) Where—
 - (a) an offender has been convicted in his absence in pursuance of section 11 or 12 of the Magistrates' Courts Act 1980 (c. 43) (non-appearance of accused), or
 - (b) an offender—
 - (i) has failed to furnish a statement of his financial circumstances in response to a request which is an official request for the purposes

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- of section 20A of the Criminal Justice Act 1991 (c. 53) (offence of making false statement as to financial circumstances),
- (ii) has failed to comply with an order under section 162(1), or
 - (iii) 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.

Commencement Information

- I3** S. 164 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 7 (subject to art. 2(2), Sch. 2)

165 Remission of fines **E+W**

- (1) This section applies where a court has, in fixing the amount of a fine, determined the offender's financial circumstances under section 164(5).
- (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 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 of the Sentencing Act (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 must reduce the term by the corresponding proportion.
- (4) In calculating any reduction required by subsection (3), any fraction of a day is to be ignored.

Commencement Information

- I4** S. 165 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 7 (subject to art. 2(2), Sch. 2)

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