

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Judicial Review and Courts Act 2022, Paragraph 3. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

#### CRIMINAL PROCEDURE: CONSEQUENTIAL AND RELATED AMENDMENTS

PROSPECTIVE

##### *Amendments in connection with section 3*

3 (1) Schedule 5 to the Courts Act 2003 (collection of fines and other sums imposed on conviction) is amended as set out in sub-paragraphs (2) to (10).

(2) In paragraph 1 (application of Schedule)—

- (a) the existing provision becomes sub-paragraph (1);
- (b) after that sub-paragraph insert—

“(2) A sum payable under a notice of conviction and penalty (within the meaning of section 16L of the Magistrates’ Courts Act 1980) is not to be regarded as a sum within sub-paragraph (1); but this Schedule applies in relation to such sums as provided in paragraphs 10A, 21(2), 25(2), 29(2) and 37(1A).

(3) For the purposes of this Schedule as it applies as mentioned in paragraph 1(2), “the fines officer” means any fines officer.”

(3) In paragraph 2(1) (meaning of “the sum due”), for “1” substitute “1(1), or (in a case where this Schedule applies as mentioned in paragraph 1(2)) the sum payable under a notice of conviction and penalty”.

(4) In paragraph 3(1) (meaning of “existing defaulter”)—

- (a) in paragraph (c), for “1, or” substitute “1(1),”;
- (b) in paragraph (d), for “1” substitute “1(1)”;
- (c) at the end insert “, or
- (e) the person is in default on a notice of conviction and penalty (within the meaning of section 16L of the Magistrates’ Courts Act 1980).”

(5) After paragraph 10 insert—

##### *“Application of this Part to person with automatic online conviction*

10A This Part of this Schedule applies to a person who has been given a notice of conviction and penalty (within the meaning of section 16L of the Magistrates’ Courts Act 1980) as it applies to P.”

(6) In paragraph 13 (contents of collection orders: general), in sub-paragraph (2), after “P” insert “and a collection order”.

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(7) In paragraph 21 (application of Part 6)—

- (a) the existing provision becomes sub-paragraph (1);
- (b) after that sub-paragraph insert—

“(2) This Part also applies if a person (“P”) has been given a notice of conviction and penalty (within the meaning of section 16L of the Magistrates’ Courts Act 1980).

(3) In the application of this Part in such a case—

- (a) “collection order” means the notice of conviction and penalty;
- (b) a reference to the collection order being made is a reference to the notice of conviction and penalty being given;
- (c) “payment terms” means the requirements as to the time and manner of payment imposed under section 16L(2)(c) of the Magistrates’ Courts Act 1980.”

(8) In paragraph 25 (application of Part 7)—

- (a) the existing provision becomes sub-paragraph (1);
- (b) after that sub-paragraph insert—

“(2) This Part also applies on the first occasion on which a person (“P”) is in default on a notice of conviction and penalty (within the meaning of section 16L of the Magistrates’ Courts Act 1980).”

(9) In paragraph 29 (application of Part 8)—

- (a) the existing provision becomes sub-paragraph (1);
- (b) after that sub-paragraph insert—

“(2) This Part also applies if (through the application of Part 6 by virtue of paragraph 21(2))—

- (a) a notice of conviction and penalty (within the meaning of section 16L of the Magistrates’ Courts Act 1980) contains reserve terms, and
- (b) the attachment of earnings order or application for benefit deductions made under Part 6 fails.”

(10) In paragraph 37 (functions of fines officer in relation to defaulters: referral or further steps notice), after sub-paragraph (1) insert—

“(1A) This paragraph also applies if—

- (a) a person (“P”) is in default on a notice of conviction and penalty (within the meaning of section 16L of the Magistrates’ Courts Act 1980), and
- (b) paragraph 26 does not apply.”

(11) In Schedule 6 to the Courts Act 2003 (discharge of fines by unpaid work), in paragraph 2 (cases where work order may be made), in sub-paragraph (1)(a)(vi), after “Schedule 5” insert “(including a notice of conviction and penalty (within the meaning of section 16L of the Magistrates’ Courts Act 1980) in a case where, by virtue of paragraph 21(3) of Schedule 5, that notice is treated as a collection order)”.

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#### **Commencement Information**

**II** Sch. 2 para. 3 not in force at Royal Assent, see [s. 51\(4\)](#)

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