



Criminal Justice Administration Act 1914

1914 CHAPTER 58

Fines, Fees, &c

1 Obligation to allow time for payment of fines

- (1) A warrant committing a person to prison in respect of non-payment of a sum adjudged to be paid by a conviction of a court of summary jurisdiction shall not be issued forthwith unless the court which passed the sentence is satisfied that he is possessed of sufficient means to enable him to pay the sum forthwith, or unless, upon being asked by the court whether he desires that time should be allowed for payment, he does not express any such desire, or fails to satisfy the court that he has a fixed abode within its jurisdiction, or unless the court for any other special reason expressly directs that no time shall be allowed.
- (2) Where any such person desires to be allowed time for payment the court in deciding what time shall be allowed shall consider any representation made by him, but the time allowed shall not be less than seven clear days:

Provided that if before the expiration of the time allowed the person convicted surrenders himself to any court of summary jurisdiction having jurisdiction to issue a warrant of commitment in respect of the non-payment of such sum as aforesaid, and states that he prefers immediate committal to awaiting the expiration of the time allowed, that court may if it thinks fit forthwith issue a warrant committing him to prison.
- (3) Where a person so allowed time for payment as aforesaid appears to the court to be not less than sixteen nor more than twenty-one years of age, the court may, if it thinks fit, and subject to any rules made under this Act, order that he be placed under the supervision of such person as maybe appointed by the court until the sum adjudged to be paid is paid, and in such case before issuing a warrant committing the offender to prison in respect of non-payment of the sum a court of summary jurisdiction shall consider any report as to the conduct and means of the offender, which may be made by the person under whose supervision the offender has been placed.
- (4) In all cases where time is not allowed for payment, the reasons of the court for the immediate committal shall be stated in the warrant of commitment.

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2 Allowance of further time

Where time has been allowed for the payment of a sum adjudged to be paid by a conviction or order of a court of summary jurisdiction, further time may, subject to any rules made under this Act, on an application by or on behalf of the offender, be allowed by a court of summary jurisdiction having jurisdiction to issue a warrant of commitment in respect of the non-payment of such sum as aforesaid, or such court may, subject as aforesaid, direct payment by instalments of the sum so adjudged to be paid.

3 Reduction of imprisonment on part payment of sums adjudged to be paid

- (1) Where a term of imprisonment is imposed by a court of summary jurisdiction in respect of the non-payment of any sum of money adjudged to be paid by a conviction or order of that or any other court of summary jurisdiction, that term shall, on payment of a part of such sum to any person authorised to receive it, be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days in the term as the sum paid bears to the sum adjudged to be paid :

Provided that, in reckoning the number of days by which any term of imprisonment would be reduced under this section, the first day of imprisonment shall not be taken into account, and that, in reckoning the sum which will secure the reduction of a term of imprisonment, fractions of a penny shall be omitted.

- (2) Provision may be made by rules under section twenty-nine of the Summary Jurisdiction Act, 1879, as to the application of sums paid under this section and for determining the persons authorised to receive such payments and the conditions under which such payments may be made.

4 Provisions for enforcement of payment of fines, &c

- (1) Where a person has been adjudged to pay a sum by a conviction of a court of summary jurisdiction, or in proceedings in any such court for enforcing an order in any matter of bastardy, or an order under which weekly sums are made payable towards the maintenance of a wife, the court may order him to be searched and any money found on him on apprehension, or when so searched, or which may be found on him when taken to prison in default of payment of the sum so adjudged to be paid, may, unless the court otherwise directs, be applied towards the payment of the sum so adjudged to be paid, and the surplus, if any, shall be returned to him.

Provided that the money shall not be so applied if the court is satisfied that the money does not belong to the person on whom it was found, or that the loss of the money will be more injurious to his family than his imprisonment.

- (2) Where a warrant of distress is issued by a court of summary jurisdiction it shall authorise the person charged with the execution thereof to take any money as well as any goods of the person against whom the distress is levied, and any money so taken shall be treated as if it were the proceeds of sale of goods taken under the warrant, and the provisions of the Summary Jurisdiction Acts shall apply accordingly.

5 Payment and allocation of fines and fees

- (1) A court of summary jurisdiction in fixing the amount of any fine to be imposed on an offender shall take into consideration, amongst other things, the means of the offender

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so far as they appear or are known to the court; and where a fine is imposed the payment of the court fees and police fees payable in the case up to and including conviction shall not be taken into consideration in fixing the amount of the fine or be imposed in addition to the fine, but the amount of the fine, or of such part thereof as may be paid or recovered, shall be applied as follows :—

- (a) in the first place in the repayment to the informant or complainant of any court or police fees paid by him ;
 - (b) in the second place in the payment of any court fees not already paid by the informant or complainant which may be payable under the table of fees set out in the First Schedule to this Act;
 - (c) in the third place in the payment of any police fees not already paid by the informant or complainant; and
 - (d) the balance (if any) remaining after the aforesaid payments have been made shall be paid to the fund or person to which the fine is directed to be paid by the enactments relating to the offence in respect of which the fine was imposed, or, if there is no such fund or person, then to the fund into which the court fees are paid.
- (2) In this section the expression "police fees" means all duly authorised fees payable to any constable in the execution of his duty.

6 Uniform scale of court fees as respects all courts of summary jurisdiction

- (1) The table of court fees set out in Part I of the First Schedule to this Act shall have effect in all courts of summary jurisdiction, and shall be substituted for any table of fees in force at the commencement of this Act in any court of summary jurisdiction, and references in any enactment to any fees for which fees in the said table are so substituted shall be construed as references to the fees so substituted.
- (2) Notwithstanding any provisions in any other general or local Act or in any rules made under any such Act enabling fees to be charged by clerks to justices, the fees set out in Part I. of that schedule, and no other fees, may be charged by clerks to justices:

Provided that nothing in this section shall affect the fees chargeable in metropolitan police courts or the police courts of the City of London, or in respect of the matters specified in Part II. of that schedule.

- (3) The Secretary of State may, in the event of new or additional duties being imposed on courts of summary jurisdiction or clerks to justices, or for other sufficient reason, by order make such variations in the said table of fees as may seem to him to be proper, and upon such order coming into operation the table shall have effect subject to the variations made by the order :

Provided that before any such order is made a draft of the proposed order shall be laid before each House of Parliament for a period of not less than thirty days during which the House is sitting, and if either of those Houses before the expiration of those thirty days presents an address to His Majesty against the draft order or any part thereof no further proceedings shall be taken thereon, without prejudice to the making of a new draft order.