

**2004 No. 1407**

**MAGISTRATES' COURTS, ENGLAND AND WALES**

**The Fines Collection (Amendment) Regulations 2004**

<i>Made</i> - - - -	<i>20th May 2004</i>
<i>Laid before Parliament</i>	<i>21st May 2004</i>
<i>Coming into force</i> - -	<i>11th June 2004</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 97(1) and 108(6) of, and paragraphs 43, 44 and 45 of Schedule 5 to the Courts Act 2003(a), makes the following Regulations:

**Citation, commencement, duration and extent**

- 1.—(1) These Regulations may be cited as the Fines Collection (Amendment) Regulations 2004.
- (2) These Regulations shall come into force on 11th June 2004 and cease to have effect on 31st March 2005.
- (3) These Regulations apply to petty sessions areas in England and Wales to which the provisions of Schedule 5 of the Courts Act 2003 have effect in accordance with the collection of Fines (Pilot Schemes) Order 2004(b).

**Amendment to the Fines Collection Regulations 2004**

2. After regulation 4 of the Fines Collection Regulations 2004(c), insert—

**“Application with modifications of the Magistrates’ Courts (Attachment of Earnings) Rules 1971**

**4A.** In the case of a person aged 18 or over liable to pay a sum to which Schedule 5 applies, the Magistrates’ Courts (Attachment of Earnings) Rules 1971(d) apply to applications for attachment of earnings orders made under Schedule 5 as they apply to such applications made under those Rules but with the following modifications to rule 15—

- (a) in paragraph (1), after the first reference to “a magistrates’ court”, insert “or, as the case may be, a fines officer,”;
- (b) in paragraph (2), —
  - (i) after “a magistrates’ court”, insert “or, as the case may be, a fines officer,”; and
  - (ii) after “it”, insert “or, as the case may be, he”;

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(a) 2003 c.39  
(b) S.I. 2004/175  
(c) S.I. 2004/176  
(d) S.I. 1971/809 as amended by S.I. 2001/ 615

- (c) in paragraph (3)—
  - (i) after “a magistrates’ court”, insert “or, as the case may be, a fines officer,”;
  - (ii) after “any magistrates’ court”, insert “or fines officer”; and
  - (iii) after “the court”, insert “or, as the case may be, the fines officer,”;
- (d) in paragraph (4)—
  - (i) after “magistrates’ courts”, insert “or fines officers”;
  - (ii) after “a magistrates’ court”, insert “or, as the case may be, a fines officer,”; and
  - (iii) after “those courts” insert “or, as the case may be, fines officers,”.
- (e) in paragraph (5) after “debtor”, insert “but a fines officer may exercise the powers conferred under paragraphs (2) to (4) of this Rule of his own motion only”;
- (f) in paragraph (8)—
  - (i) after “magistrates’ court”, insert “or, as the case may be, a fines officer,”;
  - (ii) after “its”, insert “or, as the case may be, his”; and
  - (iii) after “it”, insert “or as the case may be, he”;
- (g) in paragraph (9)—
  - (i) after each reference to “magistrates’ court”, insert “or, as the case may be, a fines officer,”;
  - (ii) after the first reference to the “first mentioned court”, insert “or, as the case may be, the first mentioned fines officer,”;
  - (iii) after “second mentioned court”, insert “or the court where the second mentioned fines officer made the relevant attachment order,”; and
  - (iv) after the second reference to the “first mentioned court”, insert “or the court where the first mentioned fines officer made the relevant attachment order,”;
- (h) for paragraph (10) substitute—
 

“(10) Where a magistrates’ court, or as the case may be, a fines officer, makes a consolidated attachment order, it, or as the case may be, he, shall specify the percentage deductions rate in accordance with Part 1 of Schedule 3 of the Attachment of Earnings Act 1971(a) as modified by regulation 4.”; and
- (i) after paragraph (10) insert—
 

“(11) Paragraph (10) applies irrespective of whether the orders to be consolidated include any order made before the coming into force of these Regulations.

(12) In this Rule “fines officer” has the meaning given—

  - (a) in respect of cases subject to the national pilot scheme under article 2 of the Collection of Fines (Pilot Schemes) Order 2004(b), by paragraph 26(4) of Schedule 5 to the Courts Act 2003 as modified by that Order, and
  - (b) in respect of cases subject to a local pilot scheme under article 3 of that Order, by paragraph 13(2) of that Schedule.””

On the authority of the Lord Chancellor

20th May 2004

*Christopher Leslie*  
Parliamentary Under Secretary of State  
Department of Constitutional Affairs

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(a) c.32  
(b) S.I. 2004/175

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This amendment to the Fines Collections Regulations 2004 applies the Magistrates' Courts (Attachment of Earnings) Rules 1971 with modifications so as to allow a fines officer to make consolidated attachment orders and for the court to be able to consolidate an attachment order that has previously been made by a fines officer.

Schedule 5 of the Courts Act 2003 creates a new fines collection scheme which is currently being piloted. Part of the scheme being piloted involves the automatic imposition of attachment orders in certain circumstances by an administrative officer (a fines officer). The amendments to the 1971 Rules are required to allow consolidation of such orders.

The Fines Collection Regulations 2004 amended Part 1 of Schedule 3 of the Attachment of Earnings Act 1971 substituting a new table of deductions from earnings. The modification of rule 15(10) of the 1971 Rules is required to allow the consolidation of attachment orders made under the unmodified 1971 Act and attachment orders made under Part 1 of Schedule 3 of the 1971 Act as modified by the 2004 Regulations.

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STATUTORY INSTRUMENTS

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