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STATUTORY INSTRUMENTS

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**2004 No. 176**

**The Fines Collection Regulations 2004**

**Part III—**

**Implementing Provisions**

**Increase in fine**

7. The increase in the fine under paragraph 27 (increase in fine) or 33 (increase in fine on first default) of Schedule 5 shall—

- (a) in the case of the petty sessions areas specified in column 1 of paragraph 4 in Part II of the Schedule to the Order, be 50% of the fine; and
- (b) in the case of the petty sessions areas specified in column 1 of paragraph 1 in Part I and in column 1 of paragraphs 3 and 6 in Part II of that Schedule, be 25% of the fine.

**Delivery of increase notice or further steps notice**

8. An increase notice under paragraph 28 or a further steps notice under paragraph 37 of Schedule 5 may be delivered by hand or by being sent by post to P's last known address.

**Another step available against defaulters**

9.—(1) For the purposes of paragraph 38(1)(e) of Schedule 5, another step which may be taken under that Schedule is the exercise of the enforcement powers of section 87 (enforcement of payment of fines by High Court or county court) of the Magistrates' Courts Act 1980(1) as modified for those purposes by paragraph (2) below.

- (2) The modifications of section 87 of the 1980 Act referred to in paragraph (1) above are—
  - (a) in paragraph (1) after “the justices' chief executive for the magistrates' court” insert “or the fines officer of that court”;
  - (b) in paragraph (3) after “the justices' chief executive” insert “or, as the case may be, the fines officer” and delete “under section 82 above”; and
  - (c) in paragraph (4) after “a justices' chief executive” insert “or, as the case may be, a fines officer”.

**Execution of warrant of distress**

10. A warrant of distress issued by the court or by a fines officer under Schedule 5 shall be executed as if it were a warrant of distress issued by a justice of the peace and sections 78 and 125 to 126 of the Magistrates' Courts Act 1980 shall apply accordingly.

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(1) 1980 c. 43. Section 87A is inserted by section 62(1) of the Criminal Justice Act 1988 (c. 33) and sections 125A, 125B, 125C and 125D are inserted respectively by sections 92, 93(2), 94 and 96 (as amended by the Powers of the Criminal Courts (Sentencing) Act 2000, section 165(1) and paragraph 204 of Schedule 9) of the Access to Justice Act 1999 (c. 22).

### **Summons for ensuring attendance of P before the court**

**11.** A fines officer may for the purpose of ensuring that P attends a magistrates' court to which he has referred P's case under paragraph 35, 37 or 42 of Schedule 5, issue a summons requiring P to appear before the court at the time and place appointed in the summons.

### **Standard powers of the court**

**12.** Any power that a magistrates' court would have had if P had not been subject to a collection order but had been liable to pay the sum due applies for the purposes of Schedule 5, that is where a case is referred to the court by the fines officer, or on an appeal to the court, under that Schedule, subject—

- (a) in the case of the Attachment of Earnings Act 1971, to the modifications in regulation 4(e); and
- (b) in the case of the Magistrates' Courts Act 1980, to the modifications in regulation 6 and to the following modifications—
  - (i) in section 83 (process for securing attendance of offender for the purposes of section 82), in subsection (2), after “a summons under this section” insert “or under regulation 11 of the Fines Collection Regulations 2004”;
  - (ii) in section 87A (fines imposed on companies), in subsection (1)(b), after “under section 76(1) above” insert “or the court or a fines officer has issued a warrant of distress under Schedule 5 to the Courts Act 2003”.