
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under Schedule 5 to the Courts Act 2005 (“Schedule 5”). Schedule 5 introduced a scheme for the collection of fines, which has been piloted in various forms since February 2004. These Regulations support the final pilot scheme for the collection of fines⁽¹⁾ and they replace the Fines Collection Regulations 2004⁽²⁾.

Part 2 (fine increase, delivery and summons) makes provision for the amount by which a court must increase a fine under paragraph 42A of Schedule 5; the methods by which a “further steps” notice may be delivered to the person who is liable to pay the sum due (“P”) and to allow a fines officer, when referring P’s case to the court, to issue a summons to secure P’s attendance at court.

Part 3 (attachment of earnings) contains provisions for calculating the deductions that an employer must make from P’s earnings under an attachment of earnings order made under Schedule 5.

Part 4 (clamping of motor vehicles) contains provisions about the clamping of motor vehicles under a clamping order made by a fines officer pursuant to a “further steps” notice, or by a court under Schedule 5. It includes provisions about the procedure for making a clamping order, the clamping, removal, storage and sale of clamped vehicles and the release of clamped vehicles on payment of the charges and sum due.

Part 5 (application of enactments with modifications) applies, with modifications, the Magistrates’ Courts (Attachment of Earnings) Rules 1971 (“the 1971 Rules”) and the Fines (Deductions from Income Support) Regulations 1992 (“the 1992 Regulations”) for the purpose of giving effect to Schedule 5.

The modifications to the 1971 Rules ensure that, so far as relevant,—

- (a) the rule (rule 6) relating to the service of attachment of earnings orders and the giving of a notice of cessation apply in relation to orders made by a fines officer, as well as those made by a court, under Schedule 5;
- (b) orders made by a court and those made by a fines officer under Schedule 5 may be varied by the court or the fines officer on a change of employment (under rule 12);
- (c) a court or a fines officer may (under rule 13) discharge an order made under Schedule 5—by either a court or fines officer acting in the same area—if it appears that P is not employed by the employer named in that order;
- (d) a court or a fines officer may (under rule 15) make a consolidated attachment order under Schedule 5 and such orders may consolidate attachment of earnings orders made under Schedule 5, with those made under section 1(3)(b) of the Attachment of Earnings Act 1971 (*i.e.*, orders made before 27th March to secure the payment of sums imposed on conviction) or under section 1(3)(c) of that Act (*i.e.*, orders to secure payment of criminal defence costs in publicly funded cases);
- (e) a court or a fines officer, having power to make an attachment of earnings order under Schedule 5, may (under rule 16) transfer the fine or other sum due to another local justice area with a view to the making of a consolidated attachment order; and

(1) The final pilot scheme is established by the Collection of Fines (Pilot Scheme) and Discharge of Fines by Unpaid Work (Pilot Schemes) (Amendment) Order 2006, [S.I. 2006/502](#).

(2) [S.I. 2004/176](#), as amended by [S.I. 2004/1407](#) and [S.I. 2005/484](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (f) any rules that are not relevant to cases falling within Schedule 5, do not apply (those include rule 4, rule 6(3)(a) and (b), rules 8 to 11, rule 13(2), rule 18(1) in part and (3), rule 19, rule 22(2)(b), (c) and (e) and rule 23).

The modifications to the 1992 Regulations ensure that—

- (g) the regulation (regulation 2(1)) which allows applications for benefit deductions to be made under that regulation does not apply in cases where Schedule 5 applies. This is because, where Schedule 5 applies, any application for benefit deductions must be made in accordance with that Schedule;
- (h) where an application for benefit deductions is made under Schedule 5, the court or the fines officer making that application may (under regulation 2A) require P to give the information necessary to complete the application;
- (i) the regulation (regulation 3) which prescribes the content of an application for benefit deductions applies to applications made by a court or a fines officer under Schedule 5;
- (j) the regulation (regulation 4) concerning the deductions to be made from benefits pursuant to an application, applies to applications made by a court or a fines officer under Schedule 5, and applies in relation to the collection of any sum mentioned in paragraph 1 of Schedule 5;
- (k) the regulation (regulation 7) concerning the circumstances, time of making and termination of deductions from benefits, applies in relation to applications made by a court or a fines officer under Schedule 5 and ensures that the conditions, under the 1992 regulations, for making benefit deductions are not inconsistent with the conditions, under Schedule 5, for making an application for such deductions;
- (l) a court or a fines officer, having made an application for deduction from benefits under Schedule 5, may withdraw that application (under regulation 8).