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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 30**

**ENFORCEMENT OF FINES AND OTHER ORDERS FOR PAYMENT**

**Application to reduce a fine, vary payment terms or remit a courts charge**

- 30.5.**—(1) This rule applies where—
- (a) no collection order is in force and the defendant wants the court to—
    - (i) reduce the amount of a fine, or
    - (ii) vary payment terms; or
  - (b) the defendant, a fines officer or an enforcement agent wants the court to remit a criminal courts charge.
- (2) Unless the court otherwise directs, such a defendant, fines officer or enforcement agent must—
- (a) apply in writing;
  - (b) serve the application on the court officer;
  - (c) if the application is to reduce a fine or vary payment terms, explain—
    - (i) what relevant circumstances have not yet been considered by the court, and
    - (ii) why the fine should be reduced, or the payment terms varied; and
  - (d) if the application is to remit a criminal courts charge, explain—
    - (i) how the circumstances meet the time limits and other conditions in section 21E of the Prosecution of Offences Act 1985(1), and
    - (ii) why the charge should be remitted.
- (3) The court may determine an application—
- (a) at a hearing, which may be in public or in private; or
  - (b) without a hearing.

*[Note. See sections 75, 85 and 85A of the Magistrates' Courts Act 1980(2), section 165 of the Criminal Justice Act 2003(3) and section 21E of the Prosecution of Offences Act 1985.*

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- (1) 1985 c. 23; section 21E was inserted by section 54 of the Criminal Justice and Courts Act 2015 (c. 2).
- (2) 1980 c. 43; section 75 was amended by section 11 of, and paragraph 6 of Schedule 2 to, the Maintenance Enforcement Act 1991 (c. 17). Section 85 was substituted by section 61 of the Criminal Justice Act 1988 (c. 33) and amended by section 55 of, and paragraph 10(2) of Schedule 4 to, the Crime (Sentences) Act 1997 (c. 43), section 109(1) of, and paragraph 222 of Schedule 8 to, the Courts Act 2003 (c. 39) and section 179 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12). It is further amended by paragraphs 25 and 28 of Schedule 32 to the Criminal Justice Act 2003 (c. 44) and section 26 of the Crime and Courts Act 2013 (c. 22), with effect from dates to be appointed. Section 85A was inserted by section 51(1) of the Criminal Justice Act 1982 (c. 48).
- (3) 2003 c. 44.

Under section 21A of the 1985 Act<sup>(4)</sup>, a court must, at the times listed in section 21B, order a defendant convicted of an offence to pay a charge in respect of relevant court costs. Under section 21E of the Act, a magistrates' court may remit the whole or part of such a charge, but—

- (a) the court may do so only if it is satisfied that—
  - (i) the defendant has taken all reasonable steps to pay the charge, having regard to his or her personal circumstances, or
  - (ii) collection and enforcement of the charge is impracticable;
- (b) the court may not do so at a time when the defendant is in prison; and
- (c) the court may not do so unless the periods specified by regulations under section 21E all have expired.]

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(4) 1985 c. 23; section 21A was inserted by section 54 of the Criminal Justice and Courts Act 2015 (c. 2).