



Criminal Justice and Police Act 2001

2001 CHAPTER 16

PART 1

PROVISIONS FOR COMBATTING CRIME AND DISORDER

CHAPTER 1

ON THE SPOT PENALTIES FOR DISORDERLY BEHAVIOUR

Procedure

7 Payment of penalty

- (1) If a person to whom a penalty notice is given decides to pay the penalty, he must pay it to the justices' chief executive specified in the notice.
- (2) Payment of the penalty may be made by properly addressing, pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise).
- (3) Subsection (4) applies if a person—
 - (a) claims to have made payment by that method, and
 - (b) shows that his letter was posted.
- (4) Unless the contrary is proved, payment is to be regarded as made at the time at which the letter would be delivered in the ordinary course of post.
- (5) Subsection (2) is not to be read as preventing the payment of a penalty by other means.
- (6) A letter is properly addressed for the purposes of subsection (2) if it is addressed in accordance with the requirements specified in the penalty notice.

Status: This is the original version (as it was originally enacted).

8 Registration certificates

- (1) The chief officer of police may, in respect of any registrable sum, issue a certificate (a “registration certificate”) stating that the sum is registrable for enforcement against the defaulter as a fine.
- (2) If that officer issues a registration certificate, he must cause it to be sent to the justices' chief executive for the petty sessions area in which the defaulter appears to that officer to reside.
- (3) A registration certificate must—
 - (a) give particulars of the offence to which the penalty notice relates, and
 - (b) state the name and last known address of the defaulter and the amount of the registrable sum.
- (4) “Registrable sum” means a sum that may be registered under this section as a result of section 4(5).
- (5) “Defaulter” means the person against whom that sum may be registered.

9 Registration of sums payable in default

- (1) If the justices' chief executive for a petty sessions area receives a registration certificate, he must register the registrable sum for enforcement as a fine in that area by entering it in the register of a magistrates' court acting for that area.
- (2) But if it appears to him that the defaulter does not reside in that area—
 - (a) subsection (1) does not apply to him; but
 - (b) he must cause the certificate to be sent to the person appearing to him to be the appropriate justices' chief executive.
- (3) A justices' chief executive registering a sum under this section for enforcement as a fine, must give the defaulter notice of the registration.
- (4) The notice must—
 - (a) specify the amount of the sum registered, and
 - (b) give the information with respect to the offence, and the authority for registration, which was included in the registration certificate under section 8.
- (5) If a sum is registered in a magistrates' court as a result of this section, any enactment referring (in whatever terms) to a fine imposed, or other sum adjudged to be paid, on conviction by such a court applies as if the registered sum were a fine imposed by that court on the conviction of the defaulter on the date on which the sum was registered.

10 Enforcement of fines

- (1) In this section—

“fine” means a sum which is enforceable as a fine as a result of section 9;
and
“proceedings” means proceedings for enforcing a fine.
- (2) Subsection (3) applies if, in any proceedings, the defaulter claims that he was not the person to whom the penalty notice concerned was issued.

Status: This is the original version (as it was originally enacted).

- (3) The court may adjourn the proceedings for a period of not more than 28 days for the purpose of allowing that claim to be investigated.
- (4) On the resumption of proceedings that have been adjourned under subsection (3), the court must accept the defaulter's claim unless it is shown, on a balance of probabilities, that he was the recipient of the penalty notice.
- (5) The court may set aside a fine in the interests of justice.
- (6) If the court does set a fine aside it must—
 - (a) give such directions for further consideration of the case as it considers appropriate; or
 - (b) direct that no further action is to be taken in respect of the allegation that gave rise to the penalty notice concerned.