



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 [^{F1}designated officer] 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.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Cross Heading: Procedure. (See end of Document for details)

Textual Amendments

- F1** Words in s. 7(1) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 398](#); [S.I. 2005/910](#), [art. 3](#)

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 [^{F2}designated officer for the local justice] 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) [^{F3}or (6)].
- (5) “Defaulter” means the person against whom that sum may be registered.

Textual Amendments

- F2** Words in s. 8(2) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 399](#); [S.I. 2005/910](#), [art. 3](#)
- F3** Words in s. 8(4) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 9](#); [S.I. 2013/453](#), [art. 4\(e\)](#)

9 Registration of sums payable in default

- (1) If the [^{F4}designated officer for a local justice] 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 [^{F5}designated officer for the local justice area in which the defaulter resides] .
- (3) A [^{F6}designated officer] 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.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Cross Heading: Procedure. (See end of Document for details)

- (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.

Textual Amendments

- F4** Words in s. 9(1) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, **Sch. 8 para. 400(2)**; [S.I. 2005/910](#), **art. 3**
- F5** Words in s. 9(2)(b) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, **Sch. 8 para. 400(3)**; [S.I. 2005/910](#), **art. 3**
- F6** Words in s. 9(3) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, **Sch. 8 para. 400(4)**; [S.I. 2005/910](#), **art. 3**

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.
- (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) [^{F7}Subject to any regulations made under subsection (7), 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.
- [^{F8}(7) The Secretary of State may by regulations make provision as to the directions that the court may, or must, give or the orders it may, or must, make if it sets aside a fine relating to a sum registered under section 8 on the basis that section 4(8) applies.]

Textual Amendments

- F7** Words in s. 10(6) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 23 para. 10(2)**; [S.I. 2013/453](#), art. 4(e)
- F8** S. 10(7) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 23 para. 10(3)**; [S.I. 2013/453](#), art. 4(e)

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