

Changes to legislation: Courts Act 2003, Part 3 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 5

COLLECTION OF FINES ^[F1] AND OTHER SUMS IMPOSED ON CONVICTION]

Textual Amendments

- F1** Sch. 5: words in heading inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, 5 (with transitional provision in art. 3)

Modifications etc. (not altering text)

- C1** Sch. 5 applied (with modifications) (temp. from 23.3.2004 for certain purposes, 29.3.2004 for certain further purposes, 5.4.2004 for all purposes to 31.3.2006) by [S.I. 2004/175](#), arts. 1-3, Sch. (as amended by [S.I. 2004/1406](#), arts. 3, 4; [S.I. 2005/487](#), arts. 4-6; [S.I. 2005/642](#), art. 2; [S.I. 2005/2410](#), art. 2; [S.I. 2005/3166](#), art. 2)
- C1** Sch. 5 modified (temp. from 27.3.2006 to 2.7.2006) by [The Collection of Fines \(Pilot Scheme\) and Discharge of Fines by Unpaid Work \(Pilot Schemes\) \(Amendment\) Order 2006 \(S.I. 2006/502\)](#), arts. 1(1)(b)(2), 5 (with transitional provision in art. 4)
- C1** Sch. 5 restricted (prosp.) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 56-58, 173(4)
- C1** Sch. 5 applied (1.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 85(7)(b), 153; [S.I. 2009/2606](#), art. 2(f)

PART 3

ATTACHMENT OF EARNINGS ORDERS AND APPLICATIONS FOR BENEFIT DEDUCTIONS

Application of Part

- 7 ^[F1](1) This Part does not apply where the court is hearing P's case following an appeal under paragraph 23, 32 or ^[F2] 37(9) or 37A(4).]
- (2) In the following provisions of this Part, “the relevant court” means—
- the court which is imposing the liability to pay the sum due, or
 - ^{F3} . . . the magistrates' court responsible for enforcing payment of the sum due.
- ^[F4](3) For the purposes of this Schedule—
- an attachment of earnings order, or
 - an application for benefit deductions,
- is an order or application to secure the payment of the whole of the sum due.]

Textual Amendments

- F1** Sch. 5 para. 7(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 10(a)

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- F2** Words in Sch. 5 para. 7(1) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 88\(2\), 151\(1\)](#); S.I. 2013/453, art. 4(a)
- F3** Words in Sch. 5 para. 7(2)(b) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **10(b)**
- F4** Sch. 5 para. 7(3) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **10(c)**

Commencement Information

- I1** Sch. 5 para. 7 wholly in force at 5.4.2004; Sch. 5 para. 7 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 7 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 7 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 7 in force for all purposes at 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

[^{F5} Attachment of earnings order or application for benefit deductions where P is liable to pay compensation

Textual Amendments

- F5** Sch. 5 para. 7A inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **11**

- 7A (1) This paragraph applies if the sum due consists of or includes a sum required to be paid by a compensation order^[F6], an unlawful profit order or a slavery and trafficking reparation order].
- (2) The relevant court must make an attachment of earnings order if it appears to the court—
- (a) that P is in employment, and
 - (b) that it is not impracticable or inappropriate to make the order.
- (3) The relevant court must make an application for benefit deductions if it appears to the court—
- (a) that P is entitled to a relevant benefit, and
 - (b) that it is not impracticable or inappropriate to make the application.
- (4) If it appears to the court that (apart from this sub-paragraph) both sub-paragraph (2) and sub-paragraph (3) would apply, the court must make either an attachment of earnings order or an application for benefit deductions.]

Textual Amendments

- F6** Words in Sch. 5 para. 7A(1) substituted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\), s. 61\(1\), Sch. 5 para. 23\(3\)](#); S.I. 2015/1476, reg. 2(j)

Attachment of earnings order or application for benefit deductions without P's consent

- 8 [^{F7}(1) This paragraph applies if—
- (a) paragraph 7A does not apply, and
 - (b) the relevant court concludes that P is an existing defaulter and that his existing default (or defaults) cannot be disregarded.]

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- (2) The court must make an attachment of earnings order if it appears to the court—
- (a) that P is in employment, and
 - (b) that it is not impracticable or inappropriate to make the order.
- (3) The court must make an application for benefit deductions if it appears to the court—
- (a) that P is entitled to a relevant benefit, and
 - (b) that it is not impracticable or inappropriate to make the application.
- (4) If it appears to the court that (apart from this sub-paragraph) both sub-paragraph (2) and sub-paragraph (3) would apply, the court must make either an attachment of earnings order or an application for benefit deductions.

Textual Amendments

F7 Sch. 5 para. 8(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 12

Commencement Information

I2 Sch. 5 para. 8 wholly in force at 5.4.2004; Sch. 5 para. 8 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 8 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. 4(a); Sch. 5 para. 8 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. 4(b); Sch. 5 para. 8 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. 4(c)

Attachment of earnings order or application for benefit deductions with P's consent

- 9 [F8(1) This paragraph applies if—
- (a) paragraph 7A does not apply, and
 - (b) the relevant court concludes that P is not an existing defaulter or, if he is, that his existing default (or defaults) can be disregarded.]
- (2) The court may make—
- (a) an attachment of earnings order, or
 - (b) an application for benefit deductions,
- if P consents.

Textual Amendments

F8 Sch. 5 para. 9(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 13

Commencement Information

I3 Sch. 5 para. 9 wholly in force at 5.4.2004; Sch. 5 para. 9 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 9 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. 4(a); Sch. 5 para. 9 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. 4(b); Sch. 5 para. 9 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. 4(c)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 75(6) inserted by [2022 c. 35 Sch. 4 para. 3\(2\)](#)
- s. 76(2B) inserted by [2010 c. 26 Sch. 3 para. 14](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 81(6) inserted by [2022 c. 35 Sch. 4 para. 3\(3\)](#)
- s. 85EA(5) words substituted by [2022 c. 32 Sch. 11 para. 29](#)
- Sch. 5 para. 13(1)(ca) inserted by [2013 c. 22 s. 26\(3\)](#)

Commencement Orders yet to be applied to the Courts Act 2003

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2005/547 art. 2](#) commences ([2003 c. 39](#))