

**Changes to legislation:** Courts Act 2003, Part 4 is up to date with all changes known to be in force on or before 11 March 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 <sup>[F1]</sup>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 4

MAKING OF COLLECTION ORDERS

*Application of Part*

- 11 <sup>[F1]</sup>(1) This Part applies whether or not the relevant court has made an attachment of earnings order or an application for benefit deductions under Part 3 of this Schedule.]
- (2) In this Part “the relevant court” has the same meaning as in Part 3 of this Schedule.

Textual Amendments

- F1** Sch. 5 para. 11(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **14**

Commencement Information

- I1** Sch. 5 para. 11 wholly in force at 5.4.2004; Sch. 5 para. 11 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 11 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. 4(a); Sch. 5 para. 11 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. 4(b); Sch. 5 para. 11 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. 4(c)

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*Court's power to make a collection order*

- 12 (1) The relevant court must make an order (“a collection order”) relating to the payment of the sum due, unless it appears to the court that it is impracticable or inappropriate to make the order.
- (2) If P is subject to a collection order, the powers of any court to deal with P’s liability to pay the sum due are subject to the provisions of this Schedule and to fines collection regulations.

**Commencement Information**

- I2** Sch. 5 para. 12 wholly in force at 5.4.2004; Sch. 5 para. 12 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 12 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 12 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 12 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

*Contents of collection orders: general*

- 13 (1) The collection order must—
- [<sup>F2</sup>(a) state the amount of the sum due,
  - (aa) where that sum consists of or includes a fine<sup>F3</sup>, a sum required to be paid by a compensation order<sup>F4</sup>, a sum required to be paid by an unlawful profit order<sup>F5</sup> or a sum required to be paid by a slavery and trafficking reparation order], state—
    - [<sup>F6</sup>(i) the amount of the fine, the amount required to be paid by the compensation order [<sup>F7</sup>, the] amount required to be paid by the unlawful profit order [<sup>F8</sup> or the amount required to be paid by the slavery and trafficking reparation order] (or, where that sum consists of or includes two or more of those amounts, each of those amounts),]
    - (ii) the amount of any other part of the sum due,]
  - (b) state the court’s conclusions as to whether P is an existing defaulter and if so whether the existing default (or defaults) can be disregarded,
  - (c) if the court has made an attachment of earnings order or an application for benefit deductions, state that fact,
  - (d) specify the fines office to which the order is allocated, and
  - (e) contain information about the effect of the order.
- (2) In this Schedule “the fines officer”, in relation to P [<sup>F9</sup>and a collection order], means any fines officer working at the fines office specified in the collection order.

**Textual Amendments**

- F2** Sch. 5 para. 13(1)(a)(aa) substituted (3.7.2006) for Sch. 5 para. 13(1)(a) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), [arts. 1, 15](#)
- F3** Words in Sch. 5 para. 13(1)(aa) substituted (15.10.2013 for E., 5.11.2013 for W.) by [Prevention of Social Housing Fraud Act 2013 \(c. 3\)](#), s. 12, [Sch. para. 27\(a\)](#); [S.I. 2013/2622](#), [art. 2](#); [S.I. 2013/2861](#), [art. 2](#)
- F4** Words in Sch. 5 para. 13(1)(aa) substituted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), [Sch. 5 para. 23\(4\)\(a\)](#); [S.I. 2015/1476](#), reg. 2(j)

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- F5** Words in Sch. 5 para. 13(1)(aa) inserted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), [Sch. 5 para. 23\(4\)\(b\)](#); S.I. 2015/1476, reg. 2(j)
- F6** Sch. 5 para. 13(1)(aa)(i) substituted (15.10.2013 for E., 5.11.2013 for W.) by [Prevention of Social Housing Fraud Act 2013 \(c. 3\)](#), s. 12, [Sch. para. 27\(b\)](#); S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2
- F7** Word in Sch. 5 para. 13(1)(aa)(i) substituted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), [Sch. 5 para. 23\(4\)\(c\)](#); S.I. 2015/1476, reg. 2(j)
- F8** Words in Sch. 5 para. 13(1)(aa)(i) inserted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), [Sch. 5 para. 23\(4\)\(d\)](#); S.I. 2015/1476, reg. 2(j)
- F9** Words in Sch. 5 para. 13(2) inserted (7.11.2023) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(4), [Sch. 2 para. 3\(6\)](#); S.I. 2023/1194, reg. 2(e)

#### Commencement Information

- I3** Sch. 5 para. 13 wholly in force at 5.4.2004; Sch. 5 para. 13 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 13 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 13 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 13 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

#### *Contents of collection orders: no attachment of earnings order etc. made*

- 14 (1) If the relevant court has not under Part 3 made an attachment of earnings order or an application for benefit deductions, the collection order must state the payment terms.
- (2) “The payment terms” means—
- a term requiring P to pay the sum due within a specified period, or
  - terms requiring P to pay the sum due by instalments of specified amounts on or before specified dates.

#### Commencement Information

- I4** Sch. 5 para. 14 wholly in force at 5.4.2004; Sch. 5 para. 14 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 14 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 14 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 14 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

#### *Contents of collection orders: attachment of earnings order etc. made*

- 15 (1) If the court has under Part 3 of this Schedule made an attachment of earnings order or an application for benefit deductions, the collection order must state the reserve terms.
- (2) “The reserve terms” means terms of a description mentioned in paragraph 14(2) but which (subject to paragraphs 31, 32<sup>F10</sup>. . . and 39) are to have effect if the attachment of earnings order or application for benefit deductions fails.

#### Textual Amendments

- F10** Words in Sch. 5 para. 15(2) omitted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 16

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#### Commencement Information

- I5** Sch. 5 para. 15 wholly in force at 5.4.2004; Sch. 5 para. 15 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 15 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 15 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 15 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

#### *When an attachment of earnings order fails*

- 16 For the purposes of this Schedule, an attachment of earnings order fails if—
- (a) P's employer fails to comply with the order, or
  - (b) the order is discharged at a time when P remains liable to pay any part of the sum due.

#### Commencement Information

- I6** Sch. 5 para. 16 wholly in force at 5.4.2004; Sch. 5 para. 16 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 16 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 16 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 16 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

#### *When an application for benefit deductions fails*

- 17 For the purposes of this Schedule, an application for benefit deductions fails if—
- (a) the application is withdrawn,
  - (b) the Secretary of State decides not to make deductions,
  - (c) an appeal against a decision of the Secretary of State to make deductions succeeds, or
  - (d) the Secretary of State ceases to make deductions at a time when P remains liable to pay any part of the sum due.

#### Commencement Information

- I7** Sch. 5 para. 17 wholly in force at 5.4.2004; Sch. 5 para. 17 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 17 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 17 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 17 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](#))