

**Changes to legislation:** Courts Act 2003, Cross Heading: Application to fines officer for variation of order or attachment of earnings order etc. is up to date with all changes known to be in force on or before 10 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 [F1 AND OTHER SUMS IMPOSED ON CONVICTION]

<b>Textual Amendments</b>	
<b>F1</b>	Sch. 5: words in heading inserted (3.7.2006) by <a href="#">The Collection of Fines (Final Scheme) Order 2006 (S.I. 2006/1737)</a> , arts. 1, 5 (with transitional provision in art. 3)
<b>Modifications etc. (not altering text)</b>	
<b>C1</b>	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 <a href="#">S.I. 2004/175</a> , arts. 1-3, Sch. (as amended by <a href="#">S.I. 2004/1406</a> , arts. 3, 4; <a href="#">S.I. 2005/487</a> , arts. 4-6; <a href="#">S.I. 2005/642</a> , art. 2; <a href="#">S.I. 2005/2410</a> , art. 2; <a href="#">S.I. 2005/3166</a> , art. 2)
<b>C1</b>	Sch. 5 modified (temp. from 27.3.2006 to 2.7.2006) by <a href="#">The Collection of Fines (Pilot Scheme) and Discharge of Fines by Unpaid Work (Pilot Schemes) (Amendment) Order 2006 (S.I. 2006/502)</a> , arts. 1(1)(b)(2), 5 (with transitional provision in art. 4)
<b>C1</b>	Sch. 5 restricted (prosp.) by <a href="#">Education and Skills Act 2008 (c. 25)</a> , ss. 56-58, 173(4)
<b>C1</b>	Sch. 5 applied (1.10.2009) by <a href="#">Criminal Justice and Immigration Act 2008 (c. 4)</a> , ss. 85(7)(b), 153; <a href="#">S.I. 2009/2606</a> , art. 2(f)

PART 6

VARIATION OF COLLECTION ORDERS CONTAINING PAYMENT TERMS

*Application to fines officer for variation of order or attachment of earnings order etc.*

22 F1(1) . . . . .

(2) [F2P may at any time apply to the fines officer under this paragraph for] —

(a) the payment terms to be varied, or

(b) an attachment of earnings order or application for benefit deductions to be made.

(3) No application may be made under sub-paragraph (2)(a) unless—

(a) there has been a material change in P’s circumstances since the collection order was made (or the payment terms were last varied under this paragraph), or

(b) P is making further information about his circumstances available.

(4) On an application under sub-paragraph (2)(a), the fines officer may decide—

(a) to vary the payment terms F3 ..., or

(b) not to vary them.

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[<sup>F4</sup>(4A) The fines officer may not vary the payment terms under sub-paragraph (4)(a) so that they are less favourable to P without P's consent.]

- (5) On an application under sub-paragraph (2)(b), the fines officer may decide—
- (a) to make an attachment of earnings order or application for benefit deductions, or
  - (b) not to do so.

(6) If he decides to make an order or application he must vary the collection order so that it states reserve terms.

[<sup>F5</sup>(7) The fines officer may not vary the order so that it states reserve terms which are less favourable to P than the payment terms without P's consent.]

(8) A decision of the fines officer under this paragraph must be in writing, dated and delivered to P.

- (9) Subject to paragraph 23, the effect of—
- (a) a decision under sub-paragraph (4)(a), and
  - (b) a variation under sub-paragraph (6),
- is that the collection order has effect as varied by the fines officer.

#### Textual Amendments

- F1** Sch. 5 para. 22(1) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 56(3)(a)**, 95(1); [S.I. 2015/778](#), art. 3, Sch. 1 para. 46
- F2** Words in Sch. 5 para. 22(2) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 56(3)(b)**, 95(1); [S.I. 2015/778](#), art. 3, Sch. 1 para. 46
- F3** Words in Sch. 5 para. 22(4)(a) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 56(3)(c)**, 95(1); [S.I. 2015/778](#), art. 3, Sch. 1 para. 46
- F4** Sch. 5 para. 22(4A) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 56(3)(d)**, 95(1); [S.I. 2015/778](#), art. 3, Sch. 1 para. 46
- F5** Sch. 5 para. 22(7) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 56(3)(e)**, 95(1); [S.I. 2015/778](#), art. 3, Sch. 1 para. 46

#### Commencement Information

- II** Sch. 5 para. 22 wholly in force at 5.4.2004; Sch. 5 para. 22 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 22 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 22 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 22 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](#))