

Changes to legislation: Courts Act 2003, Part 8 is up to date with all changes known to be in force on or before 24 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 8

OPERATION OF COLLECTION ORDERS CONTAINING RESERVE TERMS

Application of Part

29 [F1(1)] This Part applies if—

- (a) a collection order contains reserve terms, and
- (b) the attachment of earnings order or application for benefit deductions made under Part 3 or 6 fails.

[F2(2)] This Part also applies if (through the application of Part 6 by virtue of paragraph 21(2))—

- (a) a notice of conviction and penalty (within the meaning of section 16L of the Magistrates' Courts Act 1980) contains reserve terms, and
- (b) the attachment of earnings order or application for benefit deductions made under Part 6 fails.]

Textual Amendments

- F1** Sch. 5 para. 29 renumbered as Sch. 5 para. 29(1) (7.11.2023) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(4), [Sch. 2 para. 3\(9\)\(a\)](#); [S.I. 2023/1194](#), reg. 2(e)

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- F2** Sch. 5 para. 29(2) inserted (7.11.2023) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(4), [Sch. 2 para. 3\(9\)\(b\)](#); S.I. 2023/1194, reg. 2(e)

Commencement Information

- I1** Sch. 5 para. 29 wholly in force at 5.4.2004; Sch. 5 para. 29 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 29 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 29 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 29 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Requirement to notify P on failure of an attachment of earnings order etc.

- 30 The fines officer must deliver to P a notice (“a payment notice”) informing P—
- (a) that the order or application has failed and the reserve terms have effect,
 - (b) what P has to do to comply with the reserve terms, and
 - (c) of his right to make applications under paragraph 31.

Commencement Information

- I2** Sch. 5 para. 30 wholly in force at 5.4.2004; Sch. 5 para. 30 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 30 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 30 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 30 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Application to fines officer for variation of reserve terms

- 31 ^{F3}(1) P may, at any time after the date of a payment notice under paragraph 30, apply to the fines officer for the reserve terms to be varied.]
- (2) No application may be made under sub-paragraph (1) unless—
 - (a) there has been a material change in P’s circumstances since the reserve terms were set (or last varied under this paragraph), or
 - (b) P is making further information about his circumstances available.
 - (3) On such an application being made, the fines officer may decide—
 - (a) to vary the reserve terms ^{F4}..., or
 - (b) not to vary them.
- ^{F5}(3A) The fines officer may not vary the reserve terms under sub-paragraph (3)(a) so that they are less favourable to P without P’s consent.]
- (4) A decision of the fines officer under this paragraph must be in writing, dated and delivered to P.
 - (5) Subject to paragraph 32, the effect of a decision under sub-paragraph (3)(a) is that the collection order has effect with the reserve terms varied in the way decided by the fines officer.

Textual Amendments

- F3** Sch. 5 para. 31(1) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 56\(5\)\(a\)](#), [95\(1\)](#); S.I. 2015/778, [art. 3](#), [Sch. 1 para. 46](#)

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- F4** Words in Sch. 5 para. 31(3)(a) omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), ss. 56(5)(b), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 46
- F5** Sch. 5 para. 31(3A) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 56(5)(c), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 46

Commencement Information

- I3** Sch. 5 para. 31 wholly in force at 5.4.2004; Sch. 5 para. 31 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 31 in force for certain purposes at 23.2.2004 by S.I. 2004/174, art. 4(a); Sch. 5 para. 31 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, art. 4(b); Sch. 5 para. 31 in force for all purposes at 5.4.2004 by S.I. 2004/174, art. 4(c)

Appeal against decision of fines officer

- 32 (1) P may, within 10 working days from the date of a decision under paragraph 31(3), appeal to the magistrates' court against the decision.
- (2) On an appeal under this paragraph the magistrates' court may—
 - (a) confirm or vary the reserve terms, or
 - (b) discharge the order and exercise any of its standard powers in respect of persons liable to pay fines [^{F6}or other sums] .

Textual Amendments

- F6** Words in Sch. 5 para. 32(2)(b) inserted (3.7.2006) by The Collection of Fines (Final Scheme) Order (S.I. 2006/1737), arts. 1, 21

Commencement Information

- I4** Sch. 5 para. 32 wholly in force at 5.4.2004; Sch. 5 para. 32 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 32 in force for certain purposes at 23.2.2004 by S.I. 2004/174, art. 4(a); Sch. 5 para. 32 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, art. 4(b); Sch. 5 para. 32 in force for all purposes at 5.4.2004 by S.I. 2004/174, art. 4(c)

Increase in fine on first default

- 33 ^{F7}

Textual Amendments

- F7** Sch. 5 para. 33 omitted (3.7.2006) by virtue of The Collection of Fines (Final Scheme) Order (S.I. 2006/1737), arts. 1, 22(a)

Notice of increase etc.

- 34 ^{F8}

Textual Amendments

- F8** Sch. 5 para. 34 omitted (3.7.2006) by virtue of The Collection of Fines (Final Scheme) Order (S.I. 2006/1737), arts. 1, 22(b)

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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](#))