

Changes to legislation: Courts Act 2003, Part 9 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 ^[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 9

^[F1]FURTHER STEPS]

Textual Amendments	
F1	Sch. 5 Pt. 9: heading substituted (3.7.2006) by The Collection of Fines (Final Scheme) Order (S.I. 2006/1737) , arts. 1, 23

Effect of compliance with requirement to contact fines officer

35

F2

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Textual Amendments	
F2	Sch. 5 para. 35 omitted (3.7.2006) by virtue of The Collection of Fines (Final Scheme) Order (S.I. 2006/1737) , arts. 1, 24(a)

Application to fines officer after increase for variation of payment terms

36

F3

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Textual Amendments

- F3** Sch. 5 para. 36 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **24(b)**

Functions of fines officer in relation to defaulters: referral or further steps notice

37 ^{F4}(1) This paragraph applies if—

- (a) P is in default on a collection order,
- (b) paragraph 26 does not apply, and
- (c) none of the following is pending—
 - ^{F5}(i) an application to a fines officer under paragraph 31 (application for variation of reserve terms) that was made at a time when P was not in default on the collection order;
 - (ii) an appeal under paragraph 32 against a decision of a fines officer on an application described in sub-paragraph (i);]
 - (iii) a reference under paragraph 42 (power of fines officer to refer case to magistrates' court).]

^{F6}(1A) This paragraph also applies if—

- (a) a person (“P”) is in default on a notice of conviction and penalty (within the meaning of section 16L of the Magistrates’ Courts Act 1980), and
- (b) paragraph 26 does not apply.]

^{F7}(2)

^{F7}(3)

^{F7}(4)

^{F7}(5)

(6) The fines officer must—

- (a) refer P’s case to the magistrates' court, or
- (b) deliver to P a notice (a “further steps notice”) that he intends to take one or more of the steps listed in paragraph 38.

(7) Any steps that the fines officer [^{F8}wishes to be able] to take must be specified in the notice.

(8) A further steps notice must be in writing and dated.

(9) P may, within 10 working days from the date of the further steps notice, appeal to the magistrates' court against it.

Textual Amendments

- F4** Sch. 5 para. 37(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **25(a)**

- F5** Sch. 5 para. 37(1)(c)(i)(ii) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), ss. **56(6)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 46

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- F6** Sch. 5 para. 37(1A) inserted (7.11.2023) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(4), [Sch. 2 para. 3\(10\)](#); S.I. 2023/1194, reg. 2(e)
- F7** Sch. 5 para. 37(2)-(5) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, [25\(b\)](#)
- F8** Words in Sch. 5 para. 37(7) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 88\(3\)](#), 151(1); S.I. 2013/453, art. 4(a)

Commencement Information

- I1** Sch. 5 para. 37 wholly in force at 5.4.2004; Sch. 5 para. 37 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 37 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 37 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 37 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

[^{F9}Issue by fines officer of replacement notice

Textual Amendments

- F9** Sch. 5 para. 37A and cross-heading inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 88\(4\)](#), 151(1); S.I. 2013/453, art. 4(a)

- 37A (1) This paragraph applies if—
- (a) the fines officer has delivered to P a notice (“the current notice”) that is—
 - (i) a further steps notice that has not been replaced by a notice under this paragraph, or
 - (ii) a notice under this paragraph that has not been replaced by a further notice under this paragraph,
 - (b) P remains liable to pay any part of the sum due, and
 - (c) the fines officer wishes to be able to take one or more steps listed in paragraph 38 but not specified in the current notice.
- (2) The fines officer may deliver to P a notice replacing the current notice.
- (3) A notice under this paragraph (a “replacement notice”) must—
- (a) state that the fines officer intends to take one or more of the steps listed in paragraph 38,
 - (b) specify the steps that the fines officer wishes to be able to take, and
 - (c) be in writing and dated.
- (4) P may, within 10 working days from the date of a replacement notice, appeal to the magistrates' court against it.
- (5) If a step is being taken in reliance on a notice at the time when the notice is replaced by a replacement notice, the taking of the step may continue despite the replacement.]

The range of further steps available against defaulters

- 38 (1) The steps referred to in paragraphs 37(6)(b)[^{F10}, 37A(3)(a)] and 39(3) and (4) (powers to take further steps) are—
- (a) issuing a [^{F11}warrant of control] for the purpose of [^{F12}recovering] the sum due;

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- (b) registering the sum in the register of judgments and orders required to be kept by section 98;
 - (c) making an attachment of earnings order or an application for benefit deductions;
 - (d) subject to sub-paragraph (3), making a clamping order;
 - ^{F13}(e) taking proceedings by virtue of section 87(1) of the 1980 Act (enforcement of payment of fines by High Court and county court).]
 - ^{F14}(f)
- (2) A clamping order is an order—
- (a) that a motor vehicle be fitted with an immobilisation device (“clamped”), and
 - (b) which complies with any requirements that are imposed by fines collection regulations under paragraph 46 with respect to the making of clamping orders.
- (3) A clamping order must not be made except in relation to a vehicle which is registered under the Vehicle Excise and Registration Act 1994 in P’s name.

^{F15}(4)

^{F16}(5)

Textual Amendments

- F10** Words in Sch. 5 para. 38(1) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 88(5)(a)**, 151(1); S.I. 2013/453, art. 4(a)
- F11** Words in Sch. 5 para. 38(1)(a) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, **Sch. 13 para. 149** (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F12** Word in Sch. 5 para. 38(1)(a) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 88(5)(b)**, 151(1); S.I. 2013/453, art. 4(a)
- F13** Sch. 5 para. 38(1)(e) substituted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **26**
- F14** Sch. 5 para. 38(1)(f) omitted (31.12.2020) by virtue of [The Criminal Justice \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/780\)](#), regs. 1(1), **18(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Sch. 5 para. 38(4) omitted (31.12.2020) by virtue of [The Criminal Justice \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/780\)](#), regs. 1(1), **18(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Sch. 5 para. 38(5) omitted (31.12.2020) by virtue of [The Criminal Justice \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/780\)](#), regs. 1(1), **18(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I2** Sch. 5 para. 38 wholly in force at 5.4.2004; Sch. 5 para. 38 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 38 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 38 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 38 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

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Powers of court^{F17} . . .

Textual Amendments

F17 Sch. 5 para. 39: words in heading omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **27(d)**

- 39 (1) This paragraph applies if the magistrates' court is hearing P's case following—
- (a) ^{F18}
 - (b) a referral under paragraph 37(6)(a) (functions of fines officer in relation to defaulters), or
 - (c) an appeal under paragraph 37(9) [^{F19} or 37A(4)] (appeal against a further steps notice [^{F20} or replacement notice]).
- (2) ^{F18}
- (3) On [^{F21}a] referral falling within sub-paragraph [^{F22}(1)(b)] , the court may—
- (a) vary the payment terms (or the reserve terms);
 - (b) take any of the steps listed in paragraph 38;
 - (c) discharge the order and exercise any of its standard powers in respect of persons liable to pay fines [^{F23} or other sums] .
- (4) On an appeal against a further steps notice [^{F24} or replacement notice], the court may—
- (a) confirm or quash the notice;
 - (b) vary the notice so as to specify any step listed in paragraph 38;
 - (c) vary the payment terms (or the reserve terms);
 - (d) discharge the order and exercise any of its standard powers in respect of persons liable to pay fines [^{F25} or other sums] .

Textual Amendments

- F18** Sch. 5 para. 39(1)(a)(2) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **27(a)**
- F19** Words in Sch. 5 para. 39(1)(c) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 88(6)(a)(i)**, 151(1); S.I. 2013/453, art. 4(a)
- F20** Words in Sch. 5 para. 39(1)(c) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 88(6)(a)(ii)**, 151(1); S.I. 2013/453, art. 4(a)
- F21** Words in Sch. 5 para. 39(3) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **27(b)(i)**
- F22** Words in Sch. 5 para. 39(3) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **27(b)(ii)**
- F23** Words in Sch. 5 para. 39(3)(c) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **27(c)(i)**
- F24** Words in Sch. 5 para. 39(4) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 88(6)(b)**, 151(1); S.I. 2013/453, art. 4(a)
- F25** Words in Sch. 5 para. 39(4)(d) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **27(c)(ii)**

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Commencement Information

- I3** Sch. 5 para. 39 wholly in force at 5.4.2004; Sch. 5 para. 39 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 39 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 39 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 39 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Implementation of further steps notice

- 40 If—
- (a) P does not appeal within 10 working days against a further steps notice [^{F26}or replacement notice], or
 - (b) he does so but the further steps notice [^{F26}or replacement notice] is confirmed or varied,
- any step specified in the notice (or the notice as varied) may be taken [^{F27}and retaken].

Textual Amendments

- F26** Words in Sch. 5 para. 40 inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 88\(7\)\(a\)](#), 151(1); [S.I. 2013/453](#), [art. 4\(a\)](#)
- F27** Words in Sch. 5 para. 40 inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 88\(7\)\(b\)](#), 151(1); [S.I. 2013/453](#), [art. 4\(a\)](#)

Commencement Information

- I4** Sch. 5 para. 40 wholly in force at 5.4.2004; Sch. 5 para. 40 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 40 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 40 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 40 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

[^{F28}Withdrawal of warrant of control by fines officer

Textual Amendments

- F28** Sch. 5 paras. 40A-40C and cross-headings inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 88\(8\)](#), 151(1); [S.I. 2013/453](#), [art. 4\(a\)](#)

- 40A (1) This paragraph applies if, in taking a step specified in a further steps notice or replacement notice, the fines officer has issued a warrant of control for the purpose of recovering the sum due.
- (2) The fines officer may withdraw the warrant if—
- (a) P remains liable to pay any part of the sum due, and
 - (b) the fines officer is satisfied that the warrant was issued by mistake, including in particular a mistake made in consequence of the non-disclosure or misrepresentation of a material fact.

Discharge of warrant of control by magistrates' court

- 40B (1) This paragraph applies if—

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- (a) in taking a step specified in a further steps notice or replacement notice, the fines officer has issued a warrant of control for the purpose of recovering the sum due, and
 - (b) the fines officer subsequently refers P's case to the magistrates' court under paragraph 42.
- (2) The magistrates' court may discharge the warrant if—
- (a) P remains liable to pay any part of the sum due, and
 - (b) the power conferred by section 142(1) of the Magistrates' Courts Act 1980 (power of magistrates' court to re-open cases to rectify mistakes etc) would have been exercisable by the court if the court had issued the warrant.

Duty of fines officer if warrant of control withdrawn or discharged

- 40C (1) This paragraph applies if condition A or B is met.
- (2) Condition A is that the fines officer has withdrawn a warrant of control under paragraph 40A.
- (3) Condition B is that—
- (a) in taking a step specified in a further steps notice or replacement notice, the fines officer has issued a warrant of control for the purpose of recovering the sum due,
 - (b) the fines officer has referred P's case to the magistrates' court under paragraph 42,
 - (c) the magistrates' court has discharged the warrant of control under paragraph 40B(2), and
 - (d) the magistrates' court has not discharged the collection order or exercised any of its powers under paragraph 42(2).
- (4) If P remains liable to pay any part of the sum due, the fines officer must—
- (a) take (or retake) one or more of the steps specified in the further steps notice or replacement notice that was the last notice to be delivered to P under paragraph 37 or 37A before the warrant of control was issued, or
 - (b) deliver to P a replacement notice and take one or more of the steps specified in that notice, or
 - (c) refer P's case to, or back to, the magistrates' court under paragraph 42.]

Power to order sale of clamped vehicle

- 41 (1) This paragraph applies if—
- (a) a motor vehicle has been clamped under a clamping order, and
 - (b) at the end of the period specified in fines collection regulations under paragraph 46 any part of the sum due is unpaid.
- (2) The magistrates' court may order that—
- (a) the vehicle is to be sold or otherwise disposed of in accordance with those regulations, and
 - (b) any proceeds are to be applied in accordance with those regulations in discharging P's liability in respect of the sum due.

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Commencement Information

- I5** Sch. 5 para. 41 wholly in force at 5.4.2004; Sch. 5 para. 41 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 41 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 41 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 41 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Power of fines officer to refer case to magistrates' court

- 42 (1) The fines officer may refer a case to the magistrates' court at any time during the period which—
- (a) begins the day after the collection order is made, and
 - (b) ends with the date on which—
 - (i) the sum due (including any increase to which he remains liable) is paid, or
 - (ii) the order is discharged.
- (2) On a referral under this paragraph, the court may—
- (a) confirm or vary the payment terms (or the reserve terms),
 - ^{F29}(b) exercise any of its standard powers in respect of persons liable to pay fines or other sums, or]
 - (c) ^{F30} . . . exercise a power it could exercise under any other paragraph.
- ^{F31}(2A) Where the court exercises any of its standard powers under sub-paragraph (2)(b) it may also discharge the order.]
- (3) Fines collection regulations may provide for the fines officer to have the power to issue a summons for the purpose of ensuring that P attends a magistrates' court to whom P's case has been referred under this paragraph or paragraph 37.

Textual Amendments

- F29** Sch. 5 para. 42(2)(b) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), [arts. 1, 28\(a\)\(i\)](#)
- F30** Words in Sch. 5 para. 42(2)(c) omitted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), [arts. 1, 28\(a\)\(ii\)](#)
- F31** Sch. 5 para. 42A(2A) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), [arts. 1, 28\(b\)](#)

Commencement Information

- I6** Sch. 5 para. 42 wholly in force at 5.4.2004; Sch. 5 para. 42 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 42 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 42 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 42 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

Increase in fine by court

- ^{F32}42A(1) This paragraph applies where—
- (a) P is in default on a collection order,
 - (b) the sum due consists of or includes a fine, and

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- (c) the fines officer has referred P's case to the court—
 - (i) under paragraph 37(6)(a), or
 - (ii) after taking any of the steps listed in paragraph 38.
- (2) Where the court is satisfied that the default is due to P's wilful refusal or culpable neglect, the court may increase the fine which is the subject of the order.
- (3) But the court may not increase any other sum which is the subject of the order.
- (4) The amount of the increase is to be determined in accordance with fines collection regulations but must not be greater than 50% of the fine.
- (5) The increase is given effect by treating it as part of the fine imposed on P by his conviction.]

Textual Amendments

F32 Sch. 5 para. 42A inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, [29](#)

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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](#))