

**Changes to legislation:** Courts Act 2003, Part 9 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 **E+W+N.I.**

#### 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 9 **E+W**

#### <sup>[F1]</sup>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 <sup>F2</sup> .....

##### 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 <sup>F3</sup> .....

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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 <sup>F4</sup>(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—
    - <sup>F5</sup>(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).]

- <sup>F6</sup>(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.]

<sup>F7</sup>(2) .....

<sup>F7</sup>(3) .....

<sup>F7</sup>(4) .....

<sup>F7</sup>(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 [<sup>F8</sup>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

- II** 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)**

#### *[<sup>F9</sup>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)[<sup>F10</sup>, 37A(3)(a)] and 39(3) and (4) (powers to take further steps) are—
- (a) issuing a [<sup>F11</sup>warrant of control] for the purpose of [<sup>F12</sup>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;
  - [<sup>F13</sup>(e) taking proceedings by virtue of section 87(1) of the 1980 Act (enforcement of payment of fines by High Court and county court).]
  - <sup>F14</sup>(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.
- <sup>F15</sup>(4) .....
- <sup>F16</sup>(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*<sup>F17</sup> . . .

**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)<sup>F18</sup> . . . . .
  - (b) a referral under paragraph 37(6)(a) (functions of fines officer in relation to defaulters), or
  - (c) an appeal under paragraph 37(9) [<sup>F19</sup> or 37A(4)] (appeal against a further steps notice [<sup>F20</sup> or replacement notice ]).
- (2)<sup>F18</sup> . . . . .
- (3) On [<sup>F21</sup>a] referral falling within sub-paragraph [<sup>F22</sup>(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 [<sup>F23</sup> or other sums] .
- (4) On an appeal against a further steps notice [<sup>F24</sup> 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 [<sup>F25</sup> 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 [<sup>F26</sup>or replacement notice], or
  - (b) he does so but the further steps notice [<sup>F26</sup>or replacement notice ] is confirmed or varied,
- any step specified in the notice (or the notice as varied) may be taken [<sup>F27</sup>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\(c\)](#)

#### *[<sup>F28</sup>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),
  - <sup>F29</sup>(b) exercise any of its standard powers in respect of persons liable to pay fines or other sums, or]
  - (c) <sup>F30</sup> . . . exercise a power it could exercise under any other paragraph.
- <sup>F31</sup>(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*

- <sup>F32</sup>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.]

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**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](#))