



# Domestic Violence, Crime and Victims Act 2004

## 2004 CHAPTER 28

### PART 2

#### CRIMINAL JUSTICE

##### *Surcharges*

#### 14 Surcharge payable on conviction

<sup>F1</sup>(1) .....

<sup>F1</sup>(2) .....

(3) In Part 1 of Schedule 9 to the Administration of Justice Act 1970 (c. 31) (cases where payment enforceable as on summary conviction), after paragraph 12 insert—

“13 Where under section 161A of the Criminal Justice Act 2003 a court orders the payment of a surcharge.”

<sup>F2</sup>(4) .....

(5) The Secretary of State may by order—

- (a) make provision amending Schedule 5 (collection of fines) or Schedule 6 (discharge of fines by unpaid work) to the Courts Act 2003 in its application by virtue of subsection (3) or (4) to surcharges;
- (b) make provision for any part of Schedule 5, or the whole or any part of Schedule 6, not to apply to surcharges;
- (c) make amendments to any enactment that are consequential on provision made under paragraph (a) or (b).

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: Domestic Violence, Crime and Victims Act 2004, Cross Heading: Surcharges is up to date with all changes known to be in force on or before 21 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*

#### Textual Amendments

- F1** S. 14(1)(2) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2 (see also [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), [ss. 1, 5\(2\)\(3\)](#))
- F2** S. 14(4) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), [art. 54](#)

### 15 Increase in maximum on-the-spot penalty for disorderly behaviour

- (1) In Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 (c. 16) (on-the-spot penalties for disorderly behaviour), section 3 is amended as follows.
- (2) In subsection (2) (maximum penalty that may be prescribed), at the end insert “ plus a half of the relevant surcharge ”.
- (3) After that subsection insert—
  - “(2A) The “relevant surcharge”, in relation to a person of a given age, is the amount payable by way of surcharge under section 161A of the Criminal Justice Act 2003 by a person of that age who is fined the maximum amount for the offence.”

#### Commencement Information

- II** [S. 15](#) in force at 1.10.2012 by [S.I. 2012/1697](#), [art. 2](#)

PROSPECTIVE

### 16 Higher fixed penalty for repeated road traffic offences

- (1) The Road Traffic Offenders Act 1988 (c. 53) is amended as follows.
- (2) <sup>F3</sup>.....
- (3) At the end of section 84 (regulations) (which becomes subsection (1)) insert—
  - “(2) The Secretary of State may by regulations provide that where—
    - (a) a conditional offer has been issued under section 75 of this Act,
    - (b) the amount of the penalty stated in the offer is not the higher amount applicable by virtue of section 53(3) of this Act, and
    - (c) it subsequently appears that that higher amount is in fact applicable, the fixed penalty clerk may issue a further notice (a “surcharge notice”) requiring payment of the difference between the two amounts.
  - (3) Regulations under subsection (2) above may—
    - (a) provide for this Part of this Act to have effect, in cases to which the regulations apply, with such modifications as may be specified;
    - (b) make provision for the collection and enforcement of amounts due under surcharge notices.”

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**Status:** This version of this cross heading contains provisions that are prospective.

**Changes to legislation:** Domestic Violence, Crime and Victims Act 2004, Cross Heading: Surcharges is up to date with all changes known to be in force on or before 21 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](#)

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#### Textual Amendments

- F3** S. 16(2) repealed (5.1.2009) by [Road Safety Act 2006 \(c. 49\)](#), ss. 59, 61, [Sch. 7\(1\)](#); S.I. 2008/3164, [art. 2\(d\)](#)

**Status:**

This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

Domestic Violence, Crime and Victims Act 2004, Cross Heading: Surcharges is up to date with all changes known to be in force on or before 21 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.

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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):

- [Sch. 9 para. 26A](#) inserted by [2015 c. 2 Sch. 3 para. 12](#)