
STATUTORY INSTRUMENTS

2004 No. 176

The Fines Collection Regulations 2004

Part II—

Application of Enactments with Modifications

Purpose of the application of enactments

2. The application of enactments with modifications in this Part is for the purpose of giving effect to Schedule 5 and section 97 of the Act so far as it relates to that Schedule.

Transitional provision

3.—(1) In the case of an attachment of earnings order or an application for benefit deductions made in a petty sessions area before the date of coming into force of this Part of these Regulations in respect of that area, the enactments modified by these Regulations shall continue to apply in respect of any such order or application as if this Part of these Regulations had not come into force.

(2) In the case of an attachment of earnings order or application for benefit deductions made in a petty sessions area on or after the date of coming into force of this Part of these Regulations in respect of that area and before these Regulations cease to have effect, the enactments modified by these Regulations shall continue to apply in respect of any such order or application as if these Regulations had not ceased to have effect.

Application with modifications of the Attachment of Earnings Act 1971

4. In the case of a person aged 18 or over liable to pay a sum to which Schedule 5 applies, the Attachment of Earnings Act 1971(1) applies to attachment of earnings orders made under Schedule 5 as it applies to such orders made under that Act but with the following modifications—

- (a) delete section 1(3)(b);
- (b) in section 1(4) insert at the end “or by a fines officer under Schedule 5 to the Courts Act 2003”;
- (c) delete section 3(3B);
- (d) in section 6(1) after the first and second references to “the court” and in sections 7, 9(1) and (4) and 12(2) after the references to “the court” insert “or, as the case may be, the fines officer”;
- (e) delete section 6(5) and for Part I of Schedule 3 substitute the following Part I—

(1) 1971 c. 32. Section 3(3B) was inserted by section 53 of the Criminal Procedure and Investigations Act 1996 (c. 25) and section 6(7)(c) is amended by section 90(1) of, and paragraphs 64 and 66 of Schedule 13 to, the Access to Justice Act 1999 (c. 22).

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“PART I

TABLES OF PERIODICAL DEDUCTIONS FROM EARNINGS

TABLE A

DEDUCTIONS FROM WEEKLY EARNINGS

<i>(1) Net earnings</i>	<i>(2) Percentage deductions rate</i>
Not exceeding £55	0
Exceeding £55 but not exceeding £100	3
Exceeding £100 but not exceeding £135	5
Exceeding £135 but not exceeding £165	7
Exceeding £165 but not exceeding £260	12
Exceeding £260 but not exceeding £370	17
Exceeding £370	17 in respect of the first £370 and 50 in respect of the remainder

TABLE B

DEDUCTIONS FROM MONTHLY EARNINGS

<i>(1) Net earnings</i>	<i>(2) Percentage deductions rate</i>
Not exceeding £220	0
Exceeding £220 but not exceeding £400	3
Exceeding £400 but not exceeding £540	5
Exceeding £540 but not exceeding £660	7
Exceeding £660 but not exceeding £1,040	12
Exceeding £1,040 but not exceeding £1,480	17
Exceeding £1,480	17 in respect of the first £1,480 and 50 in respect of the remainder

TABLE C

DEDUCTIONS FROM DAILY EARNINGS

<i>(1) Net earnings</i>	<i>(2) Percentage deductions rate</i>
Not exceeding £8	0
Exceeding £8 but not exceeding £15	3
Exceeding £15 but not exceeding £20	5
Exceeding £20 but not exceeding £24	7

<i>(1) Net earnings</i>	<i>(2) Percentage deductions rate</i>
Exceeding £24 but not exceeding £38	12
Exceeding £38 but not exceeding £53	17
Exceeding £53	17 in respect of the first £53 and 50 in respect of the remainder”;

- (f) in section 6(7)(c) after “in the case of an order made by a magistrates' court,” insert “a fines officer of that court or”;
- (g) in section 8(5) for “section 1(3)(b) and (c) of this Act” substitute “paragraph 1 of Schedule 5 to the Courts Act 2003 or section 1(3)(c) of this Act”;
- (h) rules of court under section 9(3)(b) shall not apply to attachment of earnings orders under Schedule 5 to the Courts Act 2003;
- (i) in section 14—
- (i) after any reference to “a court” insert “or, as the case may be, a fines officer” and after any reference to “the court” insert “or, as the case may be, the fines officer”;
 - (ii) in subsections (1) for “it” substitute “the court or, as the case may be, the fines officer” and in subsection (2)(b) after “it” insert “or, as the case may be, him”;
 - (iii) delete subsection (3);
- (j) rules of court having effect under the words from “and of any other prescribed matters” to the end of section 14(4) shall not apply;
- (k) in section 15, in paragraph (a) after the reference to “the court” insert “or, as the case may be, the fines officer” and in paragraph (c) after the reference to “what court” insert “or, as the case may be, which fines officer” and after the reference to “that court” insert “or, as the case may be, that fines officer”;
- (l) in section 17(1) after “under those sections” insert “or under Schedule 5 of the Courts Act 2003” and at the end insert “or in paragraph 1 of that Schedule”; and
- (m) in section 25 after subsection (1) insert the following subsection—
- “(1A) In this Act “fines officer” has the meaning given—
- (a) in respect of cases subject to the national pilot scheme under article 2 of the Collection of Fines (Pilot Schemes) Order 2004, by paragraph 26(4) of Schedule 5 to the Courts Act 2003 as modified by that Order, and
 - (b) in respect of cases subject to a local pilot scheme under article 3 of that Order, by paragraph 13(2) of that Schedule.”.

Application with modifications of the Fines (Deductions from Income Support) Regulations 1992

5. In the case of a person aged 18 or over liable to pay a sum to which Schedule 5 applies, the Fines (Deductions from Income Support) Regulations 1992(2) apply to applications for benefit deductions made under Schedule 5 as they apply to such applications made under those Regulations but with the following modifications—

- (a) in regulation 1 after paragraph (2) insert the following paragraph—
- “(2A) In these Regulations “fines officer” has the meaning given—

- (a) in respect of cases subject to the national pilot scheme under article 2 of the Collection of Fines (Pilot Schemes) Order 2004, by paragraph 26(4) of Schedule 5 to the Courts Act 2003 as modified by that Order, and
- (b) in respect of cases subject to a local pilot scheme under article 3 of that Order, by paragraph 13(2) of that Schedule.”;
- (b) delete regulation 2;
- (c) in regulation 3, for paragraph (1)(g) substitute—
 - “(1)(g) that, in the case of an application by the court, the offender is an existing defaulter and his existing default (or defaults) cannot be disregarded, that the offender has consented to the making of the application or that, in the case of an application by a fines officer, the offender is in default on a collection order or any other order of the court allowing time for payment.”;
- (d) delete regulation 7(2)(c); and
- (e) in regulations 3(2) and (3), 4, 7(4)(c), (6) and (7) and 8 after any reference to “a court” insert “or, as the case may be, a fines officer” and after any reference to “the court” insert “or, as the case may be, the fines officer”.

Application with modifications of the Magistrates' Courts Act 1980

6. In the case of a person aged 18 or over liable to pay a sum to which Schedule 5 applies, the provisions of the Magistrates' Courts Act 1980(3) specified below apply with the following modifications—

- (a) section 89 (transfer of fine order)—
 - (i) with the substitution for subsection (2) of the following subsection—
 - “(2) As from the date on which a transfer of fine order is made with respect to any sum—
 - (a) where the transfer is from a court in a non local pilot petty sessions area to a non local pilot petty sessions area or from a court in a local pilot petty sessions area to a local pilot petty sessions area, all functions under this Part of this Act or, as the case may be, Schedule 5 to the Courts Act 2003 relating to that sum which, if no such order had been made, would have been exercisable by the court which made the order or the justices' chief executive for, or, as the case may be, a fines officer of, that court, shall be exercisable by a court acting for the petty sessions area to which the fine is transferred or the justices' chief executive for, or, as the case may be, a fines officer of, that court, and not otherwise;
 - (b) where the transfer is from a court in a local pilot petty sessions area to a non local pilot petty sessions area and the person liable to pay the fine is not subject to a collection order, all functions under this Part of this Act relating to that sum which, if no transfer of fine order had been made, would have been exercisable by the court which made the transfer of fine order, or the justices' chief executive for that court, shall be exercisable by a court acting for the petty sessions area to which the fine is transferred, or the justices' chief executive for that court, and not otherwise, and where the person liable to pay the fine is subject to a collection order, subject to the exercise of those functions—

(3) 1980 c. 43. Sections 89, 90 and 91 are amended by section 90(1) of, and paragraphs 95, 107, 108 and 109 of Schedule 13 to, the Access to Justice Act 1999 (c. 22).

- (i) the payment terms or reserve terms under the collection order, but not the collection order, shall, continue to have effect;
 - (ii) any attachment of earnings order or application for benefit deductions made shall continue to have effect; and
 - (iii) any increase imposed on the fine shall continue to have effect as if it were part of the fine; and
 - (c) where the transfer is from a court in a non local pilot petty sessions area to a local pilot petty sessions area all functions under this Part of this Act relating to that sum which, if no such order had been made, would have been exercisable by the court which made the order, or the justices' chief executive for that court, shall be exercisable by a court acting for the petty sessions area to which the fine is transferred, or the justices' chief executive for that court, and not otherwise, but subject to the modifications made by the Fines Collection Regulations 2004, and the court may, if the case comes before it, make a collection order under paragraph 12 of Schedule 5 to the Courts Act 2003 relating to the payment of the sum due, and that Schedule (as modified by the Collection of Fines (Pilot Schemes) Order 2004) and those Regulations shall have effect in relation to the sum due.”; and
- (ii) with the insertion of the following subsection at the end—
 - “(5) In subsection (2) above—
 - “local pilot petty sessions area” means a petty sessions area specified in column 1 of Parts I and II of the Schedule to the Collection of Fines (Pilot Schemes) Order 2004 and “non local pilot petty sessions area” means a petty sessions area in England and Wales other than one so specified.”;
- (b) section 90 (transfer of fines to Scotland or Northern Ireland)—
 - (i) with the substitution for subsection (3) of the following subsection—
 - “(3) Where an order is made under this section with respect to any sum, any functions—
 - (a) under this Part of this Act or under this Part of this Act as modified by the Fines Collection Regulations 2004, or
 - (b) under Schedule 5 to the Courts Act 2003, as modified by the Collection of Fines (Pilot Schemes) Order 2004,relating to that sum, which, if no such order had been made, would have been exercisable by the court which made the order, by the justices' chief executive for that court or, as the case may be, a fines officer of that court, shall cease to be so exercisable.”; and
 - (ii) with the insertion in subsection (3A) after “court” of “or the fines officer” and after “court's” of “or the fines officer's”;
- (c) section 91 (transfer of fines from Scotland or Northern Ireland)—
 - (i) with the insertion in subsection (1) after “and the justices' chief executive for that court” of “or, as the case may be, a fines officer of that court” and after “under this Part of this Act” of “or under this Part of this Act as modified by the Fines Collection Regulations 2004, and under Schedule 5 to the Courts Act 2003 as modified by the Collection of Fines (Pilot Schemes) Order 2004”; and
 - (ii) with the insertion in subsection (3) after “under this Part of this Act” of “or under this Part of this Act as modified by the Fines Collection Regulations 2004 and under

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Schedule 5 to the Courts Act 2003 as modified by the Collection of Fines (Pilot Schemes) Order 2004”; and

(d) section 150 (interpretation of other terms) with the insertion in subsection (1), after the definition of “fine” of the following definition—

““fines officer” in sections 89, 90 and 91 has the meaning given—

- (a) in respect of cases subject to the national pilot scheme under article 2 of the Collection of Fines (Pilot Schemes) Order 2004, by paragraph 26(4) of Schedule 5 to the Courts Act 2003 as modified by that Order, and
- (b) in respect of cases subject to a local pilot scheme under article 3 of that order, by paragraph 13(2) of that Schedule.”

and the addition at the end of—

“and in sections 89, 90 and 91 expressions used which are also used in Schedule 5 to the Courts Act 2003 have the same meaning as in that Schedule”.