
STATUTORY INSTRUMENTS

2004 No. 176

The Fines Collection Regulations 2004

Part II—

Application of Enactments with Modifications

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(1) 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—

(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

(1) 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).

- (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 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”.