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STATUTORY INSTRUMENTS

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**2006 No. 502**

**The Collection of Fines (Pilot Scheme) and Discharge of Fines by Unpaid Work (Pilot Schemes) (Amendment) Order 2006**

**Pilot Scheme: modifications of Schedule 5**

**5.** In relation to all local justice areas in England and Wales, Schedule 5 has effect for the specified period subject to the following modifications—

- (a) in the heading to that Schedule after “FINES” insert “OR OTHER SUMS IMPOSED ON CONVICTION”;
- (b) in paragraph 1 (application of Schedule), in sub-paragraph (1)—
  - (i) in sub-paragraph (a)—
    - (aa) for “consists of or includes” substitute “is”;
    - (bb) for “and” substitute “or”; and
  - (ii) in sub-paragraph (b), at the beginning insert “is any other sum which”;
- (c) in paragraph 3 (meaning of “existing defaulter” etc), omit—
  - (i) sub-paragraph (1)(a);
  - (ii) sub-paragraph (5); and
  - (iii) sub-paragraph (6);
- (d) omit Part 2 (immediate payment of fines: discounts);
- (e) in paragraph 7 (application of Part 3)—
  - (i) for sub-paragraph (1) substitute—

“(1) This Part does not apply where the court is hearing P’s case following an appeal under paragraph 23, 32 or 37(9).”;

and
  - (ii) in sub-paragraph (2)(b) omit “if sub-paragraph (1)(b) applies,”;
- (f) in paragraph 11 (application of Part 4), for sub-paragraph (1) substitute—

“(1) This Part applies whether or not the relevant court has made an attachment of earnings order or an application for benefit deductions under Part 3 of this Schedule.”;
- (g) in paragraph 13 (contents of collection orders: general), in sub-paragraph (1)(a) for the words from “sum due, the” to the end of that sub-paragraph substitute—
  - “(i) the sum due, and
  - (ii) where that sum consists of or includes a fine, the amount of the fine and the amount of any other part of the sum due,”;
- (h) in paragraph 15 (contents of collection orders: attachment of earnings order etc made), in sub-paragraph (2) omit “, 35, 36”;
- (i) omit Part 5 (discount where collection order made);
- (j) after paragraph 24 (nature of power to vary terms of collection order), insert—

“Meaning of “in default on a collection order”

**24A.** For the purposes of this Schedule, P is in default on a collection order if he fails to pay any amount due under the payment terms (or, if they have effect, the reserve terms) on or before the date on which it is required to be paid.”;

- (k) omit—
  - (i) paragraph 27 (increase in fine); and
  - (ii) paragraph 28 (notice of increase etc);
- (l) in paragraph 31 (application to fines officer for variation of reserve terms), in sub-paragraph (1)(a) for “an increase is imposed under paragraph 33” substitute “a further steps notice is delivered to him under paragraph 37”;
- (m) in paragraph 32 (appeal against decision of fines officer), in sub-paragraph (2)(b), at the end of that sub-paragraph insert “or other sums”;
- (n) omit—
  - (i) paragraph 33 (increase in fine on first default); and
  - (ii) paragraph 34 (notice of increase etc);
- (o) for the heading to Part 9 substitute “FURTHER STEPS”;
- (p) omit—
  - (i) paragraph 35 (effect of compliance with requirement to contact fines officer); and
  - (ii) paragraph 36 (application to fines officer after increase for variation of payment terms);
- (q) in paragraph 37 (functions of fines officer in relation to defaulters: referral or further steps notice)—
  - (i) for sub-paragraph (1) substitute—
    - “(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—
      - (i) an application under paragraph 31(1) (application to fines officer for variation of reserve terms),
      - (ii) an appeal under paragraph 32(1) (appeal against decision of fines officer),
      - (iii) a reference under paragraph 42 (power of fines officer to refer case to magistrates' court).”;
  - (ii) omit sub-paragraphs (2) to (5);
- (r) in paragraph 38 (the range of further steps available against defaulters), for sub-paragraph (1)(e) substitute—
  - “(e) taking proceedings by virtue of section 87(1) of the 1980 Act (enforcement of payment of fines by High Court and county court)”;
- (s) in paragraph 39 (powers of court after increase)—
  - (i) omit sub-paragraphs (1)(a) and (2);
  - (ii) in sub-paragraph (3)—
    - (aa) for “an appeal or” substitute “a”; and

- (bb) for “(1)(a) or (b)” substitute “(1)(b)”;
- (iii) in the following sub-paragraphs, at the end of each sub-paragraph insert “or other sums”—
  - (aa) sub-paragraph (3)(c); and
  - (bb) sub-paragraph (4)(d);
- (iv) in the heading to paragraph 39, omit “after increase”;
- (t) in paragraph 42 (power of fines officer to refer case to magistrates' court)—
  - (i) in sub-paragraph (2)(b)—
    - (aa) omit “discharge the order and”; and
    - (bb) after “fines” insert “or other sums”;
  - (ii) in sub-paragraph (2)(c) omit “to the extent permitted by fines collection regulations.”; and
  - (iii) after sub-paragraph (2) insert—

“(2A) Where the court exercises any of its standard powers under sub-paragraph (2)(b) it may also discharge the order.”;
- (u) after paragraph 42 insert—

“Increase in fine by court

**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
- (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 mentioned in paragraph 1(1).
- (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.”;
- (v) omit paragraph 47 (fines collection regulations);
- (w) in paragraph 49 (offence of meddling with vehicle clamp), in sub-paragraph (1) omit “after increase”; and
- (x) for paragraph 50 (meaning of “standard powers in respect of persons liable to pay fines”) substitute—

“Meaning of “standard powers in respect of persons liable to pay fines or other sums”

**50.** In this Schedule “standard powers in respect of persons liable to pay fines or other sums” means any power that a magistrates' court would have had if P had not been subject to a collection order but had been liable to pay the sum due.”.