



# Crime and Courts Act 2013

## 2013 CHAPTER 22

### PART 2

#### COURTS AND JUSTICE

##### *Administration of justice*

#### 26 Payment of fines and other sums

(1) In the Magistrates' Courts Act 1980 after section 75 insert—

**“75A Costs of collecting sums adjudged to be paid by a conviction**

- (1) Where a sum is adjudged to be paid by a conviction, the person liable to pay the sum is also liable to pay amounts in respect of costs of doing things for the purpose of collecting sums of that kind.
- (2) Where the person is charged such an amount, the sum adjudged to be paid is treated as increased by that amount.
- (3) No such amount may be charged unless a collection order or other notice of the person's liability to pay such amounts has been served on the person.
- (4) Where time has been allowed for payment of the sum, no such amount may be charged before the end of that time.
- (5) Where payment is to be by instalments, no such amount may be charged—
  - (a) before the first occasion on which there is default in the payment of an instalment, or
  - (b) at any other time when the instalments are up to date.
- (6) No such amount may be charged in respect of costs that may be recovered under paragraph 62 of Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (costs related to taking control of goods and selling them).

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*Status: This is the original version (as it was originally enacted).*

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(7) This section applies in relation to a sum even if a collection order is in force in relation to the sum.”

(2) In the Courts Act 2003 after section 36 (a fines officer is a civil servant, or person provided under a contract, who is so designated by the Lord Chancellor) insert—

**“36A All functions of fines officers may be contracted-out**

A function given by or under an enactment to a fines officer as such is to be taken for the purposes of section 2(5) (ban on contracting-out of judicial functions) as not involving the making of judicial decisions and as not involving the exercise of any judicial discretion.”

(3) In Schedule 5 to that Act (collection of fines and other sums) in paragraph 13(1) (contents of collection orders) after paragraph (c) insert—

“(ca) explain how the sum due may be increased by amounts in respect of costs of doing things for the purpose of collecting sums of that kind,”.

(4) In section 85 of the Magistrates’ Courts Act 1980 (power to remit fines) after subsection (4) (power does not extend to other sums) insert—

“(5) Despite subsection (4) above, references in subsections (1) to (3) above to a fine do include an amount that a person has been charged in respect of costs mentioned in section 75A(1) above if the person is liable under section 75A(1) above to pay the amount as a result of being liable to pay a fine as defined by subsection (4) above.”

(5) In section 139(c) of that Act (disposal of balance of receipts on account of sum adjudged to be paid) after “balance” insert “in accordance with any directions under section 139A and, subject to that, in payment”.

(6) In that Act after section 139 insert—

**“139A Disposal of amounts received in respect of collection costs**

(1) The Secretary of State may give directions requiring that money received on account of an amount charged as mentioned in section 75A is to be paid to the person who charged the amount.

(2) For the purposes of this section, money is received on account of an amount charged as mentioned in section 75A if—

(a) the money is received on account of a sum whose amount has been increased under that section,

(b) the total received on account of the sum is more than the figure the sum would be if increases under that section are excluded, and

(c) the money is—

(i) the balance after deducting that figure from the total received,  
or

(ii) if less, so much of that balance as equals the amount charged.

(3) Directions under this section—

(a) may be general or apply only in cases specified in them;

(b) may make different provision for different purposes;

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- (c) may be revoked by directions given by the Secretary of State.”
- (7) In section 24(2) of the Criminal Justice Act 1991 (regulations about applications by courts for benefit deductions) after paragraph (b) insert—
- “(ba) provision, including provision for deductions, in connection with the fine or compensation to which an application relates being treated as increased under section 75A of the 1980 Act or paragraph 42A of Schedule 5 to the Courts Act 2003;”.
- (8) In section 56(3) of the Education and Skills Act 2008 (normal enforcement provisions do not apply to a non-participation fine once offender reaches 18) after “to be concluded” insert “or to preserve existing increases under section 75A of the Magistrates’ Courts Act 1980 (collection costs) or paragraph 42A of Schedule 5 to the Courts Act 2003”.