

# CRIMINAL JUSTICE AND COURTS ACT 2015

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 3 – Courts and Tribunals

##### Collection of fines etc

##### *Section 56: Variation of collection orders etc*

497. *Section 56* amends Schedule 5 to the Courts Act 2003 (collection of fines and other sums imposed on conviction). That Schedule concerns the powers of fines officers to collect and enforce sums treated as adjudged to be paid by a conviction of a magistrates' court. Such sums include sums payable under compensation orders and fines and will include the criminal courts charge. This section makes changes to the powers of fines officers to vary court orders about the payment of sums adjudged. These court orders are known as collection orders.
498. *Subsection (3)* amends paragraph 22 of Schedule 5 to provide that an offender may apply to a fines officer for the payment terms in a collection order to be varied at any time, including when he or she has defaulted on a collection order. Currently, the power to vary payment terms only exists while an offender is not in default. This subsection also amends paragraph 22 to provide that a fines officer can vary payment terms or reserve terms in a way which is less favourable to the offender. At present, the power of variation is limited to variations in the offender's favour. Less favourable changes will however be made only with an offender's consent.
499. "Payment terms" are terms requiring an offender to pay sums within a period or by instalment. "Reserve terms" are, like payment terms, terms requiring an offender to pay sums within a period or by instalment. Reserve terms only have effect if the offender is subject to an attachment of earnings order or application for benefit deductions and such an order or application has failed.
500. *Subsection (5)* makes the same changes to the power to vary reserve terms as made by subsection (3) for payment terms.
501. *Subsections (4) and (6)* amend Schedule 5 to provide that an application by an offender for variation of payment terms or reserve terms once the offender is in default does not prevent the fines officer taking the enforcement action in, respectively, Parts 7 and 9 of Schedule 5. Part 7 involves the fines officer on first default making an attachment of earnings order or application for benefit deductions unless impracticable or inappropriate. Under Part 9, the fines officer must either refer the case to a magistrates' court or issue a notice setting out the further enforcement steps to be taken.