

# **EXPLANATORY MEMORANDUM TO STATUTORY INSTRUMENTS**

## **FROM THE DEPARTMENT OF CONSTITUTIONAL AFFAIRS**

### **The Fines Collection (Amendment) Regulation 2004 No. 1407**

**This explanatory memorandum is laid before Parliament by Command of Her Majesty.**

#### **Description**

This Regulation is an amendment to the Fines Collection Regulations 2004<sup>1</sup> (the original Regulation) inserting modifications to the Magistrates' Courts (Attachment of Earnings) Rules 1971<sup>2</sup> into that Regulation. The modifications to the 1971 Rules allow for consolidation of attachment to earnings orders to be made by fines officers, and consolidation of existing and new attachment orders, as part of the pilot of a fines collection scheme

#### **Legislative Background**

The original Regulation was made to allow piloting of the fines collection scheme, which is contained in Schedule 5 of the Courts Act 2003<sup>3</sup>, and modifies various enactments for the purpose of the pilots. This Regulation adds to those modifications to address the aspect of imposing consolidated attachment orders within the fines collection scheme. The modifications can only be used for the purpose of the pilots and do not permanently amend the 1971 Rules. The results of the pilots of the fines collection scheme will determine a final version of the fines collection scheme and then the final scheme and required permanent amendment of any legislation will be laid before Parliament for approval by way of the affirmative resolution process.

#### **Extent**

The extent of the amendment Regulation is to those petty session areas piloting the fines collection scheme, that is, to England and Wales.

#### **Policy Background**

The policy was to introduce national pilots of wider use of Attachment of Earnings Orders and deductions from benefits applications in the magistrates' courts. This was agreed in conjunction with the Treasury to buy in quick wins in exchange for the extension of the netting off scheme by increasing the payment rates for fines. The new scheme also pilots the use of deduction tables for attachment order, much in the same way as council tax is collected. The intention of these amending regulations is to enable the operation of consolidated attachment orders between the orders made in the course of the pilots and those made under the old system.

The alterations are legally important to enable the smooth running of pilot schemes alongside existing fine enforcement measures.

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<sup>1</sup> S.I. 2004/176

<sup>2</sup> S.I. 1971/809 as amended by S.I. 2001/615

<sup>3</sup> c.39

**Impact**

The amendments to the regulations will affect offenders, employers and the collection of the fine, as it will now be possible for just one deduction to be made from an offenders earnings to satisfy a number of orders. Further, administrative staff will be able, in prescribed circumstances, to make consolidated orders saving valuable court time.

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