

Magistrates Court Fines Factsheet

What does the magistrate court fine for?

- Driving Offence
- Ignoring a fixed penalty notice
- Order a payment to an injured party or award fees against you.
- Television Licensing.
- Withholding any information regarding income and expenditure when asked to provide it.

When is the fine determined?

- At an initial hearing or it is already determined from a fixed penalty notice.
- Be sure to provide the court with any information so that the fine determined is reasonable both in amount and time period that you can afford to pay.
- You must treat the fine as a priority debt as the court can issue your arrest and imprisonment.

How are the magistrates' court fines collected?

- The court provides you with a collection order telling you all the information on how to pay the fine.
- The collection order will allow you to pay off your fine in installments or in full within a ten-day period.
- Once you then agree this, another order will be made. This will either be the attachment of earnings or deduction from benefits order.
- These orders will definitely come about if you are an existing defaulter. This means that you have a separate fine, which you have yet to make payments on, and are ignoring the collection order.
- The court has the right to use any money that you may have on you to begin paying off the fine.
- The court can also order unpaid work to take place upon your agreement.

The Collection Order

The Collection Order will portray the exact figure of the fine and any compensation that will need to be addressed. You will be notified if any orders have been made or if you are being treated as an existing defaulter. The location of where to pay the fine will also be shown as will the contact details of the fines officer.

What if I cannot afford to pay the fine?

You can speak to the fines officer and request an additional period of time to make the payments or to negotiate the installments. You will usually only be allowed to make changes if you can prove since the court hearing your financial situation has changed.

What if the fines officer rejects my offering?

There is a further ten-day period in which you can appeal to the magistrates court and have a new hearing set to hear your case.

What will the fines officer do if I do not keep up with payments?

- If you do not make contact with the fines officer about having any payment issues and then miss payments, the officer will have no choice but to put in place the attachment of earnings or deduction from benefits order.
- If those orders are not possible, the officer can either send your case back to the magistrates court telling them you are defaulting on your payments or they can issue you a notice telling you their next steps against you.
- These next steps may include issuing a bailiff warrant, submitting an order against you, registering the fine in the Register of Judgments, Orders and Fines, declare a clamping order or applying to make the fine a County Court or High Court issue.

Why would my fine be dealt with by the County Court or High Court?

- This would only be the case if the fines officer believes you would have the ability to pay the fine in one full payment.
- The officer would apply to the County or High Court for a charging order to be summoned.

What is a Clamping Order?

- A clamping order would come about if the officer deems you able to pay the fine through the selling of your vehicle which would not only take care of the fine but also the cost of clamping and the sale.
- You will receive notice of the clamping order and a date in which the fine will need to be settled.
- A private company will be used for the clamping order.
- The vehicle in question can be released if the fine is settled in full as well as the cost of the clamping.
- There is a seven-day period in which you will have to make the payment.
- If nothing has surfaced, then after ten days the officer can request an order from the magistrates for permission to sell the vehicle.
- You will then receive a 21 days minimum notice before the hearing, which you must attend.
- The vehicle must not be sold until three months has passed from the initial date of the order.

Can I prevent the sale of the vehicle?

- At the hearing you can provide the court with evidence that suggests the value of the car is not sufficient enough to cover all the fees and charges.

What happens if the officer registers my fine on the Registration of Judgments, orders and fines?

- If your information is placed here your future credit gaining ability will be affected.
- In the future, details from the Register may well be passed on to the credit reference agencies.

What are the rules on Bailiffs collecting my goods to settle the fine?

- If they are being used to collect a fine they have the authority to simply force an entry into your home and seize the belongings regardless if they have been in your home previously or not.
- The most likely way a Bailiff will enter is through the usual means of an open window or door.
- If you refuse them entry they may take it upon themselves to enter.
- The items a Bailiff is likely to take will be on a predetermined list in which they will get you to sign. Items such as your bed, clothes or equipment for work are not available to the Bailiffs.
- Any item you can prove does not belong to you is also unavailable to a Bailiff.
- If you can pay the debt to the Bailiff there and then or arrange a payment plan with them then no items will be taken, if you cannot then the Bailiff will return again to seize any goods agreed on the list.
- In the case that the Bailiff fails to enter your property or seize any items to settle the fine, then the fine will most likely return to the court for further action to take place.
- If you do make payments to the Bailiff, keep in mind some of the money will be used to cover their initial costs instead of the total going towards the fine.

What can a Bailiff charge for?

- Admin Costs
- Handling Fees
- Visit to the property
- Local Courts have agreements with Bailiffs on how much they will charge.
- The magistrate's court cannot enforce any costs set by the Bailiffs. This means once the fine has been settled, these costs may well be written off.

What can I do if I am unable to make my repayments ordered?

- Contact the fines office at the relevant court.
- Explain your current financial situation and why you cannot make the repayment.
- Offer a repayment plan.
- In most cases you will have to attend a hearing but if you send a letter enclosing your financial information and circumstance than you may be exempt from a hearing.
- You will receive a default summons if you have to attend a court hearing.

Is there further punishment if I do not attend the hearing?

- The court can issue a warrant with or without bail.
- The court can issue a committal warrant to commit you to prison.
- A private Bailiff now has the power to force you to pay by withdrawing items from your house or arresting you and taking you to a court hearing.

What should I take to the hearing?

- Information regarding your financial status, including income, expenditure and other debts.
- Any pay slips or letters from your employer should be brought along to.

What are the potential outcomes from the court hearing?

- The fine may be written off if there has been a change in circumstance regarding your financial situation.
- The fine can be written off if the court did not have complete information regarding your income and expenditure or other debts.
- Any compensation orders or costs will remain intact.
- You may be granted an extension of time for you to make the payment.
- The court can take any money you may have on you at the time of the hearing to put toward the fine.
- A probation officer may be put in place to your payments.
- The court can declare an attachment of earnings or deductions from benefits order.
- A distress warrant may be issued.
- An application submitted for the fine to be a County or High Court issue.
- If the court believes you to have deliberately not paid the fine when being able to do so, they can increase it by 50%.
- You may be detained in court for the rest of the day which potentially could have the fine written off.
- A clamping order is an option.
- It is possible you could be forced to take part in an unpaid work order.
- Registration of the fine.
- Finally, the court may consider committal to prison.

At what point does the court have authority to order imprisonment?

- Only after a means enquiry hearing has taken place.
- You must have had the opportunity to explain to the court your current financial situation.
- It is a good option to offer the court some money at the hearing, which shows your willingness to pay the fine.

Which circumstances would result in a prison sentence?

- If the court believes you to be deliberately not paying the fine they could send you to prison on a wilful refusal charge.
- The other way you could be sent to prison is for culpable neglect where the court has deemed you to be careless in paying the fine.
- In the case you receive a suspended sentence it is important that you maintain making payments toward the fine to prevent another court hearing taking place.
- If you do not attend the hearing for whatever reason, you must write a letter to the court explaining why so that another hearing may be set. This letter will prevent private bailiffs being used to come and arrest you and take you into custody.