****

**Magistrates  
Court Fines**

**Why might I get a fine?**The magistrates’ court may fine you for committing an offence or not paying a fixed penalty notice. They can also order you to pay compensation to any injured party and court costs.

The fine may be set at a hearing or as a result of a fixed penalty notice (where the level of the fine is set automatically). You must ensure that the court has full details about your situation as this may affect the amount you are fined and the payments you are ordered to make.

You can also be fined if you do not provide details of your income and outgoings when ordered.

In certain circumstances you may be able to dispute a fine if you think you do not owe the fine and may also be able to challenge the amount of the fine if you think this is too high.

**What is the procedure?**The court first sends you a ‘collection order’ containing details of the fine and you should pay it. This may allow you to pay in instalments, or to ask for payment in full within ten days. If you agree, then an attachment of earnings order or a deduction from benefits order can be made immediately. These should be set up anyway if you have another unpaid fine. If you can’t pay, you can apply to the fines officer to pay by instalments or to reduce the payments you have been ordered to make. You have 10 days to appeal if your application is refused by the fines officer.

**What if I do not make the payments ordered?**

The fines officer must order an attachment of earnings or a deduction from benefits.

|  |  |  |
| --- | --- | --- |
| **Deductions from net monthly income** | | |
| **Net monthly earnings** | **Net weekly earnings Deduction rate (%)** | |
| **£0 - £220** | **£0 - £55** | **0** |
| **£221 - £400** | **£56 - £100** | **3** |
| **£401 - £540** | **£101 - £135** | **5** |
| **£541 - £660** | **£136 - £165** | **7** |
| **£661 - £1040** | **£166 - £260** | **12** |
| **£1041 - £1480** | **£216 - £370** | **17** |
| **£1481 or more** | **£371 or more** | **17 for first £2020 and 50 for the rest** |

**Attachment of earnings orders**

If you are employed, the court can order you to pay an amount out of your wages based upon your net pay. The higher your net pay is, the more you will have to pay. You can pay more than one fine at the same time under what is known as a consolidated attachment of earnings order.

**Deduction from benefits order**

If you are on Income Support, income­based Jobseeker’s Allowance, income­related Employment and Support Allowance, Pension Credit or Universal Credit, the court can order weekly direct deductions to be taken from your benefit to pay the fine.

The deduction rate is £5 per week, but can be more if you get Universal Credit, contribution­based Jobseeker’s Allowance or contribution­based Employment and Support Allowance. If the deduction will cause hardship, you have ten days to appeal against the decision to the magistrates’ court. If neither of these orders is possible, then the fines officer may take ‘further steps’.

**Further Steps**

The further steps that the fines officer can take are to:

* Issue a bailiff’s warrant
* Register the debt in the Register of Judgments, Orders and Fines
* Make a clamping order
* Apply for the fine to be enforced in the County Court or High Court

You have ten days to appeal against any decision to the magistrates’ court.

**Issuing a Warrant of Control to the bailiffs**

Private are instructed to collect fines by taking your goods and selling them to pay the fine. The bailiff should give you 7 clear days’notice that they are due to visit you. You can ask the court to recall the bailiff’s warrant if the person with the fine is seen as ‘vulnerable’ because of a physical disability or a mental health condition. You will need to provide medical evidence.

**Do I have to let the bailiffs in?**

Bailiffs collecting magistrates’ court fines (unlike bailiffs recovering other debts), have the power to break into your home to take your goods, even if they have not been into your home before. The bailiff should seek the court's permission first.

However, it is not likely in practice that the bailiffs will use force to break in, unless the bailiff is fairly sure that there are goods that can be removed that are of sufficient resale value to pay the costs of any forced entry and the costs of the removal, storage and sale of goods at auction. The safest course of action is to refuse entry and not to open the door, in case they try to push past you.

A bailiff can take control of goods outside your home, so if you have a vehicle, keep it in a locked garage. If you park the vehicle on your drive or a public road and the bailiffs identify or find it, they could clamp the vehicle and possibly remove it.

The bailiff will often ask for you to pay the full debt or for high instalments as they have time limits to recover the debt. Any money you pay to the bailiffs may come off their costs first before going towards the fine. However, when an account is returned to the court, the bailiffs’ costs are removed from the debt remaining enforceable by the court.

**Can the bailiffs take my goods?**

Bailiffs can only take goods belonging to the person owing the fine. They should not take:

* Clothing, bedding, furniture and basic household items that are necessary for the basic domestic needs of you and your family such as a cooker or microwaves, a refrigerator, a washing machine and a dining table and chairs for you and your household;
* Tools, books, telephones, computers, vehicles and other items of equipment necessary for use personally in your job, business or education (up to a total value of £1,350);
* Items in physical use where taking the goods is likely to lead to a breach of the peace.
* Goods that are the subject of unpaid hire­purchase or conditional­sale agreements.
* Goods belonging to other people. If they threaten this, explain that the goods don’t belong to you. Show a receipt or credit agreement as proof. The owner could provide a sworn statement called a ‘statutory declaration’ instead. If goods belonging to someone else are taken, that person can apply to court to get the goods back.

If a bailiff takes control of goods that are protected, you can make a court claim for the goods to be returned. Bailiffs can take goods that are jointly owned by you and someone else but, if you are only person fined, they can only keep your share of any sale proceeds.

What if there are no good worth taking?  
If the bailiff decides that your goods are not worth enough to cover the cost of them coming with a van to remove and sell them, they are likely to return the account to the Court.

**What if I have let the bailiff in already?**Bailiffs don’t usually take away goods on their first visit. They may instead ask you to sign a ‘controlled goods agreement’, allowing you to keep using the items listed on the agreement. The bailiff can then return and take the goods by breaking in, if necessary. If you don’t sign the agreement, the bailiffs may remove the goods straight away.What if I hide things away?If you hide goods from the bailiff by taking them somewhere else, the bailiffs may apply to court for permission to break into the place they are hidden. If the bailiffs have already taken control of goods, you are committing an offence if you remove them to prevent removal.

**Instalments**Some bailiff firms may accept instalments on the fines outstanding but most will only accept payment of the total amount owed either immediately or within a very short period. You could write to the bailiffs, enclosing a budget summary and asking them whether they will accept instalment payments. Send a copy of any letter you send and a budget summary to the magistrates’ court.

If the bailiffs will not accept the payments, save up the money to take to any hearings in the magistrates’ court to prove you are willing to pay.

**Bailiffs’ costs**

Magistrates’ court bailiffs can legally charge you the following fees.

£75 for being instructed by the creditor, carrying out initial checks and receiving payments.

£235 to cover visiting and entering premises and taking control of your goods.

£110 to cover removing your goods, valuing them and arranging for them to be sold.

The cost of storing removed goods and the cost of hiring a locksmith, if one is needed.

If your debt is over £1500 or if your goods are sold at auction, further fees can be charged. The bailiffs should tell you how much you owe before and after they visit you. If you think they have charged you too much, get advice about challenging the fees through the County Court.

**Complaints about bailiffs**You can complain about a magistrates' court bailiff if you are unhappy about the way you have been treated. Contact us for further advice.

**Registration of fines**  
The fines officer can include the fine on the Register of Judgments, Orders and Fines which may affect your ability to get credit. The information stays on the register for five years.   
  
  
**Clamping orders**  
A clamping order can only be made if the fines officer decides you are able to pay the fine and the value of your vehicle would cover the fine plus the costs of clamping and sale.

The court must send you a notice of the clamping order and give you a date to pay. If you don’t pay, a private clamping company will then carry out the order. You can get your vehicle released if you pay the full clamping charge and the fine in full.

If you do not pay within 7 days, the vehicle can be removed. After 10 days the fines officer can ask the magistrates for an order to sell the car. You should get 21 days’ notice of the hearing.

At the hearing you can ask the court to return the vehicle, particularly if you can prove the sale would not cover the costs. Ask the court to consider writing off the charges and fees if they are not reasonable. It is very important that you go to the hearing. The vehicle cannot be sold for three months from the date of the original order.

County Court and High Court enforcement  
If the fines officer decides you could afford to pay your fine in one lump sum and did not do so, they can apply to the County Court or High Court for a third party debt order, or a charging order, to be made against you. Contact us for advice.

**Unpaid work order**

An unpaid work order can only be made if it is suitable in your case. This option may be worth considering where the alternative is going to prison.

**What if I can’t afford the payments?**

Write to the fines office at the court which holds the fine. Tell them your situation and make an offer of repayment, enclosing details of your income and expenses. They may simply accept your offer or you may have to attend a court hearing.

**What happens at a magistrates’ court hearing?**

You will be sent a ‘default summons’ telling you to attend a means enquiry hearing. It is very important that you go to any court hearing. If you do not attend, the court can issue a warrant with bail (private bailiffs will give you another court hearing date) or a warrant without bail (private bailiffs could arrest you and bring you before the court).

When you attend the hearing the court will ask for details of your income, expenditure and any other debts you may have. You should take along proof of income such as pay slips or a letter from the benefits office etc. Check with the court fines office if you have any queries.

You are entitled to ask for [legal help](https://www.gov.uk/legal-aid) at a court hearing relating to non­payment of a fine. You may be able to get the duty solicitor at the court to speak on your behalf at the hearing.

**What can a magistrate do at a hearing?**

The magistrates have a range of options at the means enquiry hearing.

* Allow you more time to pay.
* Search and remove all the money you have with you to pay the fine.
* Order someone, such as a probation officer, to supervise your payments. This is called a ‘money payment supervision order’.
* Make an attachment of earnings order. Order deductions from your benefit.
* Apply for the fine to be enforced in the County Court or High Court.
* Issue a warrant so that bailiffs can try to take control of your goods.
* Order you to be detained in the court for the rest of the day. This would ‘write off’ the fine and any costs.
* Increase the level of the fine by 50%if they think you have not paid due to ‘wilful refusal or culpable neglect'.
* Make a clamping order. Register the fine.
* Make an unpaid work order. Consider committal to prison.

**Remitting the fine**

This means the court can write off all, or part, of the fine if you have had a change in your circumstances or your circumstances have got worse since the fine was set. They may remit the fine if the court did not have full details of your income, expenditure and debts when the fine was originally set. This is unlikely to happen because of the other options the court has. The court cannot write off compensation orders or costs.

**When can the court decide to send me to prison?**

The court can order imprisonment, but only after a means enquiry hearing which you must attend. You cannot be sent to prison without at least one hearing where you have the chance to explain your financial circumstances. The court must have tried all other ways of enforcing the fine before they can do this.

To avoid a prison sentence you must convince the court that you have a genuine reason for not paying. This may be that your circumstances have changed since the fine was set, such as a drop in your household income, a relationship breakdown, a new baby, illness or other debts you are paying. It is important to take a detailed personal budget to court and not be frightened to tell the court if you have other debts to pay, but you need to treat the fine as a priority debt. It is helpful to take some money to offer to the court, even if it is only your weekly or monthly offer of payment. This will show the court you are not refusing to pay.

The court can give you a suspended prison sentence or send you to prison straight away. Before they can do either of these, the court must establish that non-payment is due to willful refusal (where the court thinks you have deliberately refused to pay) or culpable neglect (which means you have been careless or thoughtless in not paying).

If the court imposes a suspended prison sentence or a ‘suspended committal order’, you must keep up with the repayments ordered. If you don’t make the payments, another court hearing will be set. If you do not attend this hearing, the prison sentence will become active. A private bailiff can then arrest you and take you into custody. You may be able to stop this happening by writing to the court, explaining the reason why you did attend the hearing and why you have not paid. Another hearing may be set up to consider your circumstances.

Citizens Advice Manchester is an operating name of Manchester Citizens Advice Bureau Service.  
Authorised and regulated by the Financial Conduct Authority, FRN: 617659

Citizens Advice Manchester is an operating name of Manchester Citizens Advice Bureau Service.  
Authorised and regulated by the Financial Conduct Authority, FRN: 617659