

Fines and financial penalties imposed up to end June 2009, as at 5 October 2009

This Report presents information on fines as at 5 October 2009. The previous Quarterly Report¹ contained information on fines as at 6 July 2009.

Figures in the commentary below relate to fines imposed after any court discharges have been taken off. See the section on “Guidance on Definitions and Data” for an explanation of what discharges are.

Sheriff Court Fines Summary

As at 5 October 2009, 88% of the value of Sheriff Court fines imposed over the three year period 1 April 2006 to 31 March 2009 has either been paid fully or is on track to be paid through instalments. This compares to 87% paid or on track to be paid as at 6 July 2009.

Of the number of fines imposed over these three financial years, 75% have been fully paid as at 5 October 2009. This is an increase of around 4 percentage points compared with the previous figure of 71% fully paid as at 6 July 2009.

Figures on Sheriff Court fines are presented by the Scottish Court Service (SCS) on a three financial-year basis to reflect payment cycles and enforcement action taken. This recognises that fines are levied throughout any year and that arranged instalment payments or enforcement action can mean fines are being paid over two or more financial years.

Payment rates for recent years will therefore initially appear to be lower than previous years. Estimates of in-year payment figures indicate a broadly consistent fine collection pattern throughout recent years.

Justice of the Peace (JP) Court Fines Summary

For JP Court Fines imposed in the financial year 2008/09, 76% of the value has been paid or is on track to be paid by instalments as at 5 October 2009. This compares to a similar value of 76% paid or on track to be paid as at 6 July 2009.

Of the number of JP Court Fines imposed in 2008/09, 59% have been fully paid as at 5 October 2009. This is an increase of around 5 percentage points compared with the figure of 54% fully paid as at 6 July 2009.

For the JP Court Fines imposed in the first quarter of 2009/10, almost half of the value (49%) has already been paid as at 5 October 2009.

Note that these figures only cover Sheriffdoms where the unification of courts has been completed (see “Background” section for further details of unifications).

¹ www.scotcourts.gov.uk/payyourfine/fineStats/quarterly_publications_commentary_1_October_2009.doc

Fiscal Penalties Summary

For Fiscal direct penalties imposed in 2008/09, 59% of the value has been paid or is on track to be paid by instalments as at 5 October 2009. This compares to an estimated 40% in-year collection rate prior to the programme of Summary Justice Reform.

Of the number of Fiscal direct penalties imposed in 2008/09, 42% have been fully paid as at 5 October 2009. This is an increase of around 5 percentage points compared with the figure of 37% fully paid as at 6 July 2009.

For the Fiscal direct penalties imposed in the first quarter of 2009/10, a third of the value (33%) has already been paid as at 5 October 2009.

The SCS recognises that more needs to be done and has introduced specifically targeted measures (detailed below) to improve collection rates.

Police Antisocial Behaviour Fixed Penalties Summary

Police Antisocial Behaviour Fixed Penalties imposed in 2008/09 have a collection rate of 65% of the value of the fines, which covers both payments made to the Police Fixed Penalty within the initial 28 day period and payments made once the unpaid Fixed Penalty becomes a registered fine, 50% higher than the original fixed penalty. Registered fines are enforced by the SCS.

Of the number of Police Antisocial Behaviour Fixed Penalties imposed in 2008/09, 70% have been fully paid as at 5 October 2009. This is an increase of around 1 percentage point compared with the figure of 69% fully paid as at 6 July 2009.

For Police Antisocial Behaviour Fixed Penalties imposed in the first quarter of 2009/10, over half of the value (52%) has already been paid as at 5 October 2009.

Note that these figures only cover Sherifdoms where the unification of courts has been completed (see "Background" section for further details of unifications).

Enforcement Action

All outstanding fines and financial penalties for which it is responsible are being pursued by the SCS. New enforcement measures introduced in July 2009 are targeting persistent defaulters and enhanced tracing facilities make it easier to use the full range of enforcement actions which include benefit deductions, freezing of bank accounts, arresting wages and the seizure of cars. The information included in this report relates to fines collection up to 5 October 2009, however for some enforcement measures there may be a time lag between the enforcement measure being applied and subsequent payments being received.

A number of additional enforcement actions have been introduced, including:

- tracing facilities to ensure that defaulters are identified quickly to speed up enforcement action by providing information on aliases, employment history, bank accounts and credit cards;
- the use of Sheriff Officers to target persistent defaulters who are ignoring payment demands;
- working closely with the Department of Work and Pensions to speed up benefit deductions, so that offenders cannot avoid the penalty.

Enforcement Action (covering Sheriff Court fines imposed from 2006/07 to the first quarter of 2009/10, and Justice of the Peace (JP) Court fines, Fiscal penalties and Police Antisocial Behaviour Fixed Penalties imposed in 2008/09 and in the first quarter of 2009/10)

- At 5 Oct 2009 almost 108,500 enforcement orders have been granted by the court (some 24,200 granted within the 3 months prior to 5-Oct-09). This is the initial step required to pursue enforcement action.
- Fines Enforcement Officers have agreed revised payment terms in over 18,000 cases (almost 6,700 agreed within the 3 months prior to 5-Oct-09), helping individuals maintain payments.
- Over 7,700 benefit deduction orders have been granted and almost 1,400 earning arrestment orders have been issued (some 4,100 granted and 430 issued respectively within the 3 months prior to 5-Oct-09)
- Where people are unable to pay, courts have imposed supervised attendance orders in almost 4,900 cases as an alternative punishment (over 600 imposed within the 3 months prior to 5-Oct-09).

An Enforcement Order is an order made by the court setting out the payment rate of a fine, explaining what will happen if the fine isn't paid, and giving the Fines Enforcement Officer (FEO) the power to take action.

A Deduction from Benefits Order is an order made by the court which allows the Department of Work and Pensions (DWP) to deduct money from an offender's benefits and pay it directly towards their fine.

An Earnings Arrestment Order is an order made by the court instructing an employer to make regular deductions from an employee's wages which are paid directly towards the employee's fine.

A Supervised Attendance Order is an order made by the Court for Sheriff or JP Court Fines as an alternative to imprisonment if the offender defaults in payment of their fine. The offender must attend a place of supervision and carry out instructions given by their Supervising Officer.

Please note that the changes to fines enforcement brought about by Summary Justice Reform will be the subject of [independent evaluation](#).

Value of Fines¹ (£m)
as at 5 Oct 2009

		Total Value To Be Paid ⁶ (£m)	Value Paid To Date ⁷ (£m)	Value with Payments On Track ⁷ (£m)	Value In Arrears ⁷ (£m)
3 Year Total	Sheriff Court Fines²	55.9	45.0	4.1	6.7
FY 2006/07 to FY 2008/09			80.6%	7.3%	12.1%
FY 2006/07	Sheriff Court Fines ²	18.9	17.5 92.5%	0.4 2.1%	1.0 5.4%
FY 2007/08	Sheriff Court Fines ²	17.5	14.8 84.6%	0.8 4.6%	1.9 10.8%
FY 2008/09	Sheriff Court Fines ²	19.5	12.8 65.5%	2.9 14.8%	3.8 19.7%
01 April 2009 to 30 June 2009	Sheriff Court Fines ²	3.1	1.4 45.4%	1.2 38.4%	0.5 16.2%
FY 2008/09	JP Court Fines ³	2.7	1.8 64.6%	0.3 10.9%	0.7 24.5%
	Fiscal Direct Penalties ⁴	4.4	2.2 49.3%	0.4 10.1%	1.8 40.6%
	Police Antisocial Behaviour Penalties ⁵	0.7	0.4 63.9%	0.0 0.9%	0.2 35.2%
01 April 2009 to 30 June 2009	JP Court Fines ³	1.4	0.7 49.3%	0.4 27.6%	0.3 23.0%
	Fiscal Direct Penalties ⁴	1.0	0.3 33.1%	0.4 36.6%	0.3 30.2%
	Police Antisocial Behaviour Penalties ⁵	0.5	0.3 51.9%	0.0 1.6%	0.3 46.5%

Source: Scottish Court Service, Management Information & Statistics Team. COP2 Data Extraction

Notes:

- Figures include fines against both persons and companies
- Includes Sheriff Court Fines, Compensation Orders and Confiscation Orders
- Includes JP Court Fines and Compensation Orders
- Includes Fiscal Fines, Fiscal Compensation Offers and the monetary amount of Fiscal Combined Offers
- The Police Anti-social Behaviour Penalty figures include Police Fines and those that, if unpaid, are registered as Court Fines. "Number Imposed" is consequently the sum of Police Fines paid and Court Fines Registered. "Value Imposed" shows the value of Police Fines paid (£40 each) plus the value of Court Fines Registered (£60 each). Discharges are deducted from impositions to get "Fines To Be Paid". The payment percentages relate to proportions of "Fines to be Paid". "Number Fully Paid" and "Value Paid To Date" also sum payments received from both Police Fines and Registered Court Fines.
- This figure is the total fines imposed minus any discharges. Fines may be discharged for a number of reasons. These include a sheriff imposed alternative sentence, imprisonment or death of defaulter. Discharges include both full discharges and fines which have been discharged following part-payment
- Percentages are presented as a proportion of Fines To Be Paid
- The figures relate to the number of fine accounts. An account may contain more than one fine if an offender receives more than one fine on a single day

Number and percentages may not add up to their constituent parts due to rounding

Number of Fines^{1,8}
as at 5 Oct 2009

		Number To Be Paid ⁶	Number Fully Paid ⁷	Number With Payments On Track ⁷	Number With Payments In Arrears ⁷	Number With No Payment Received ⁷
3 Year Total	Sheriff Court Fines²	115,187	86,180	4,780	14,723	9,504
FY 2006/07 to FY 2008/09			74.8%	4.1%	12.8%	8.3%
FY 2006/07	Sheriff Court Fines ²	39,926	36,188 90.6%	537 1.3%	1,854 4.6%	1,347 3.4%
FY 2007/08	Sheriff Court Fines ²	40,501	32,018 79.1%	1,199 3.0%	4,487 11.1%	2,797 6.9%
FY 2008/09	Sheriff Court Fines ²	34,760	17,974 51.7%	3,044 8.8%	8,382 24.1%	5,360 15.4%
01 April 2009 to 30 June 2009	Sheriff Court Fines ²	7,825	2,297 29.4%	1,462 18.7%	2,329 29.8%	1,737 22.2%
FY 2008/09	JP Court Fines ³	15,450	9,181 59.4%	665 4.3%	2,515 16.3%	3,089 20.0%
	Fiscal Direct Penalties ⁴	42,360	17,930 42.3%	2,605 6.1%	6,647 15.7%	15,178 35.8%
	Police Antisocial Behaviour Penalties ⁵	13,544	9,487 70.0%	58 0.4%	237 1.7%	3,762 27.8%
01 April 2009 to 30 June 2009	JP Court Fines ³	7,675	3,312 43.2%	674 8.8%	1,699 22.1%	1,990 25.9%
	Fiscal Direct Penalties ⁴	10,260	2,441 23.8%	1,428 13.9%	1,740 17.0%	4,651 45.3%
	Police Antisocial Behaviour Penalties ⁵	10,779	6,331 58.7%	106 1.0%	219 2.0%	4,123 38.3%

Source: Scottish Court Service, Management Information & Statistics Team. COP2 Data Extraction

Notes:

1. Figures include fines against both persons and companies

2. Includes Sheriff Court Fines, Compensation Orders and Confiscation Orders

3. Includes JP Court Fines and Compensation Orders

4. Includes Fiscal Fines, Fiscal Compensation Offers and the monetary amount of Fiscal Combined Offers

5. The Police Anti-social Behaviour Penalty figures include Police Fines and those that, if unpaid, are registered as Court Fines. "Number Imposed" is consequently the sum of Police Fines paid and Court Fines Registered. "Value Imposed" shows the value of Police Fines paid (£40 each) plus the value of Court Fines Registered (£60 each). Discharges are deducted from impositions to get "Fines To Be Paid". The payment percentages relate to proportions of "Fines to be Paid". "Number Fully Paid" and "Value Paid To Date" also sum payments received from both Police Fines and Registered Court Fines.

6. This figure is the total fines imposed minus any discharges. Fines may be discharged for a number of reasons. These include a sheriff imposed alternative sentence, imprisonment or death of defaulter. Discharges include both full discharges and fines which have been discharged following part-payment

7. Percentages are presented as a proportion of Fines To Be Paid

8. The figures relate to the number of fine accounts. An account may contain more than one fine if an offender receives more than one fine on a single day

Number and percentages may not add up to their constituent parts due to rounding

Data Tables

This link [QFR 2 Tables](#) provides an Excel workbook showing the value and number tables as at 5 October 2009.

The next quarterly report is planned to be published in February 2010.

We would welcome any feedback on the presentation or content of this publication so that we can better meet users' needs. Please send any comments to foi@scotcourts.gov.uk

BACKGROUND

This is the second in a series of quarterly reports on fines collection.

Fines Collection Process

The Scottish Court Service (SCS) is responsible for collecting Sheriff Court Fines, Justice of the Peace Court Fines, Fiscal penalties and Antisocial Behaviour Fixed Penalty Notices.

Court imposed fines are either due for payment immediately or by agreed terms at the point of imposition. The majority of fines imposed include an enforcement order which tells the offender how the fine should be paid and what will happen if it is not paid. The enforcement order allows the Fines Enforcement Officer to implement a range of sanctions including deduction from benefit, arrestment of earnings and bank accounts and seizure of vehicles.

Fiscal direct penalties are issued by the Crown Office and Procurator Fiscal Service (COPFS), in the form of a conditional offer. The alleged offender may refuse the offer within 28 days in recognition that prosecution will be the next likely stage. Alternatively, the alleged offender can accept the offer by making payment. If the conditional offer is ignored and payment not made, the responsibility for enforcement passes to the SCS Fines Enforcement Officer, who will seek an enforcement order from the court.

Antisocial Behaviour Fixed Penalty Notices are issued by each police force in Scotland and the money due is collected by the relevant police force if it is paid within 28 days. If the penalty is not paid within 28 days, the amount due is increased by 50 per cent and the penalty is converted to a registered fine with responsibility for collection passing to the SCS Fines Enforcement Officers, who will seek an enforcement order from the court. Figures for value and number of Police Fixed Penalty Notices paid therefore include both payments made to the police force and payments made to the SCS.

Money collected by the SCS for criminalised parking fines is subject to different procedures and is not covered in this publication.

Changes in Responsibility for Fines Collection

The SCS took over the responsibility for collection of fiscal penalties in March 2008 from local authorities.

Collection of Justice of the Peace Court Fines and Police Fixed Penalty Notices becomes the responsibility of the SCS on completion of the unification of courts administration in each Sheriffdom and applicable dates are:

Lothian and Borders - 10 March 2008
Grampian, Highland and Islands - 2 June 2008
Glasgow and Strathkelvin - 8 December 2008
Tayside, Central and Fife - 23 February 2009

Data given will only reflect information from the date of unification. The two other Sheriffdoms (North Strathclyde and South Strathclyde, Dumfries and Galloway) are yet to unify so collection figures for Justice of the Peace Court Fines and Police Antisocial Behaviour Fixed Penalties are therefore not available in these areas as collection is currently not the responsibility of the SCS.

GUIDANCE ON DEFINITIONS AND DATA

The data source is a management information data-extract from COP2 (the SCS operational system across all Sheriff and Justice of the Peace Courts).

Data may subsequently change over time due to additions or modifications to cases on COP2.

Explanation of categories:

Value of Fines Imposed	The value of fines imposed within the periods specified.
Value Discharged	This is the value of fines which have been discharged (the value which is not now payable). This can arise in a variety of ways for example where a fine is discharged by a subsequent penalty of a Supervised Attendance Order or Imprisonment, or where the accused dies. Also for Fiscal Penalties it covers instances where the Fiscal Penalty is refused, recalled or withdrawn.
Total Value to be Paid	This is the total value of fines imposed minus the value discharged, and so is the total value of fines which are payable.
Value of Fines Paid to Date	This is the total amount which has been paid to date, and will relate to both fully-paid and part-paid fines.
Value with Payments On Track	This is the total amount which has not been paid as yet, but for which future instalments are on track to be paid (the fine is not in arrears).
Value in Arrears	This is the total amount which has not been paid as yet and for which the fine is in arrears. A fine is in arrears if a payment date has been missed.
Number of Fines Imposed	The number of fines imposed within the periods specified.
Number Discharged	This is the number of fines which have been discharged (i.e. the fine is not now payable). This can arise in a variety of ways, for example where a fine is discharged by a subsequent penalty of a Supervised Attendance Order or Imprisonment, or where the accused dies. Also, for Fiscal Penalties, it covers instances where the Fiscal Penalty is refused, recalled or withdrawn. This category covers situations where there has been no payment prior to discharge and also instances where there has been a part-payment prior to discharge.
Number to be Paid	This is the total number of fines imposed minus the number discharged, and so is the total number of fines which are payable.
Number Fully Paid	This is the number of fines which have been fully paid.
Number With Payments On Track	This is the number of fines which are being paid in instalments and are not in arrears.
Number With Payments In Arrears	This is the number of fines which are being paid in instalments and are currently in arrears.
Number With No Payments Received	This is the number of fines which have had no payment received and are currently in arrears.

Note that the 'value' categories do not match directly to the 'number' categories. This is because a single fine can have a portion of its value which has been paid and a portion which has not. In this instance, the values would be split between two value categories, however, the fine itself would only be counted once within a number category.