



Mr Lewis Macdonald MSP  
Scottish Parliament  
EDINBURGH  
EH99 1SP

Chief Executive's Office  
1A Parliament Square  
Edinburgh  
EH1 1RF  
DX 549306  
LP1 Edinburgh 10

16 July 2012

Dear Mr Macdonald

**SCOTTISH PARLIAMENTARY QUESTIONS: S4W-08081 to S4W-08089,  
S4W-08092: FINES ENFORCEMENT**

The Cabinet Secretary in his response to the above PQs indicated that they related to operational matters within the responsibility of the Scottish Court Service corporate body. I am now writing to you in response to the matters you have raised.

**S4W-08081:** *To ask on how many occasions the Scottish Court Service has used (a) a seizure of vehicle order, (b) an arrestment of funds order, (c) a deduction from benefits order and (d) an earnings arrestment order to recover unpaid fines and arrears from antisocial behaviour fixed penalty orders in each year since 2007.*

The number of occasions the Scottish Court Service has used these enforcement measures in each year since financial year 2008/09 is:

**Seizure of vehicle order**

	2008/09	2009/10	2010/11	2011/12
Sheriff Court fines	0	19	32	43
Justice of the Peace Court fines	0	3	5	29
Fiscal Penalties	0	4	19	47
Anti-social behaviour fixed penalty notice	0	0	0	6
All	0	26	56	125

**Arrestment of Funds Orders**

	2008/09	2009/10	2010/11	2011/12
Sheriff Court fines	56	435	3,041	3,855
Justice of the Peace Court fines	0	239	2,228	4,325
Fiscal Penalties	16	507	4,021	7,156
Anti-social behaviour fixed penalty notice	0	31	694	3,368
All	72	1,212	9,984	18,704

**Deduction from Benefit Orders**

	2008/09	2009/10	2010/11	2011/12
Sheriff Court fines	3,558	7,743	13,392	13,853
Justice of the Peace Court fines	0	3,578	8,848	12,377
Fiscal Penalties	2086	12,398	18,522	26,370
Anti-social behaviour fixed penalty notice	12	468	6,102	18,837
All	5,656	24,187	46,864	71,437

**Earning Arrestment Orders**

	2008/09	2009/10	2010/11	2011/12
Sheriff Court fines	465	873	2,288	2,360
Justice of the Peace Court fines	0	396	1,609	2,295
Fiscal Penalties	93	322	1,036	1,449
Anti-social behaviour fixed penalty notice	0	17	231	419
All	558	1,608	5,164	6,523

New arrangements for the collection and enforcement of criminal fines came into place on 10 March 2008. Data for financial year 2007/08 are not therefore available.

**S4W-08082:** *To ask on how many occasions the Scottish Court Service has used (a) a seizure of vehicle order, (b) an arrestment of funds order, (c) a deduction from benefits order and (d) an earnings arrestment order to recover unpaid fines and arrears from Justice of the Peace Court fines in each year since 2007.*

Please see response to S4W-08081.

**S4W-08083:** *To ask on how many occasions the Scottish Court Service has used (a) a seizure of vehicle order, (b) an arrestment of funds order, (c) a deduction from benefits order and (d) an earnings arrestment order to recover unpaid fines and arrears from Sheriff Court fines in each year since 2007.*

Please see response to S4W-08081.

**S4W-08084:** *To ask on how many occasions the Scottish Court Service has used (a) a seizure of vehicle order, (b) an arrestment of funds order, (c) a deduction from benefits order and (d) an earnings arrestment order to recover unpaid fines and arrears from fiscal penalties in each year since 2007.*

Please see response to S4W-08081.

**S4W-08085:** *To ask how much money the Scottish Court Service has recovered through the use of (a) seizure of vehicle orders, (b) arrestment of funds orders, (c) deduction from benefits orders and (d) earnings arrestment orders from unpaid and in arrears antisocial behaviour fixed penalty orders in each year since 2007.*

Examining the impact of enforcement action on fine payment is not straightforward and the Scottish Court Service is not directly able to associate money recovered with sanctions employed in relation to (a) seizure of vehicle orders (b) arrestment of funds orders and (c) earnings arrestment orders.

**S4W-08092:** To ask what the value is of fines not imposed as a result of courts imposing supervised attendance orders on offenders who are unable to pay, in each year since 2007.

The value of fines discharged as a result of courts imposing supervised attendance orders on offenders who are unable to pay in each financial year since 2007-08 is:

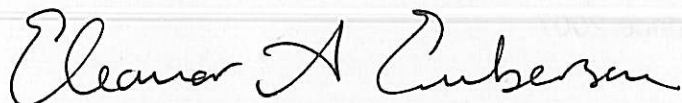
Year	Value
2007-08	£28,696
2008-09	£45,320
2009-10	£91,028
2010-11	£86,534
2011-12	£26,310

Please note the Community Payback Order came into force in Scotland on 1 February 2011 and replaced provisions for Supervised Attendance Orders for offences committed on or after this date.

I hope the above information is helpful.

A copy of this letter will be placed in the Scottish Parliament Information Centre and published on the Scottish Court Service website.

Yours sincerely



Eleanor Emberson  
 Chief Executive  
 0131 444 3301  
[eemberson@scotcourts.gov.uk](mailto:eemberson@scotcourts.gov.uk)

A new system was introduced in December 2011 to allow for specific monies recovered through the use of deduction of benefit orders to be identified. The value of these payments received is provided in the table below:

Month	Sheriff Court fines	Justice of the Peace Court fines	Anti-social behaviour fixed penalty notice	Fiscal Penalties
Dec-11	£79,845.30	£54,571.87	£11,534.87	£88,799.98
Jan-12	£60,770.73	£40,680.92	£13,638.60	£39,618.72
Feb-12	£59,932.64	£37,767.10	£11,262.75	£33,447.77
Mar-12	£65,811.61	£42,408.60	£20,608.55	£41,820.27
Total	£266,360.28	£175,428.49	£57,044.77	£203,686.74

**S4W-08086:** *To ask how much money the Scottish Court Service has recovered through the use of (a) seizure of vehicle orders, (b) arrestment of funds orders, (c) deduction from benefits orders and (d) earnings arrestment orders from unpaid and in arrears Justice of the Peace court fines in each year since 2007.*

Please see response to S4W-08085.

**S4W-08087:** *To ask how much money the Scottish Court Service has recovered through the use of (a) seizure of vehicle orders, (b) arrestment of funds orders, (c) deduction from benefits orders and (d) earnings arrestment orders from unpaid and in arrears Sheriff Court fines in each year since 2007.*

Please see response to S4W-08085.

**S4W-08088:** *To ask how much money the Scottish Court Service has recovered through the use of (a) seizure of vehicle orders, (b) arrestment of funds orders, (c) deduction from benefits orders and (d) earnings arrestment orders from unpaid and in arrears fiscal penalties each year since 2007.*

Please see response to S4W-08085.

**S4W-08089:** *To ask how long on average the Scottish Court Service has waited before implementing enforcement measures for the recovery of unpaid fines and arrears in each year since 2007.*

The Scottish Court Service initiates enforcement action immediately upon an offender failing to make a fine payment (in part or in full). The first step in the enforcement process is automated and results in a warning letter being issued to the offender at point of default. The Scottish Government report: *Summary Justice Reform – Evaluation of the reforms to fines enforcement*, published on 30 November 2011, highlights that after receiving a warning letter, half of registered Anti-Social Behaviour – Fixed Penalty Notices required no further enforcement action taken, compared with 33% of Fiscal Fines and 16% of court fines.