



Fines and financial penalties imposed up to end March 2010, as at 8 July 2010

This Report presents information on fines and other financial penalties as at 8 July 2010. The previous Quarterly Reports have contained comparable information as at 6 July 2009, 5 October 2009, 11 January 2010, and 9 Apr 2010 respectively. See www.scotcourts.gov.uk/payyourfine and 'Quarterly Fines Report' link.

Figures for 'number imposed' and 'value imposed' in the commentary below relate to fines imposed after any court discharges have been deducted. See the section on "Guidance on Definitions and Data" for an explanation of what discharges are. The background data tables show the details of fines imposed before and after discharges.

Figures on fines and other financial penalties 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 penalties are levied throughout each year and that arranged instalment payments or enforcement action can mean some may take two or more financial years to be fully paid. Payment rates for recent years will therefore initially be lower than those for previous years. Estimates of in-year payment figures indicate a broadly consistent collection pattern over time.

Sheriff Court Fines Summary

As at 08 July 2010, 91% 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, compared with 90% paid or on track to be paid as at 09 April 2010.

Of the number of fines imposed over these three financial years, 83% have been fully paid as at 08 July 2010. This is an increase of around 2.5 percentage points compared with the previous figure of 80% fully paid as at 09 April 2010.

For fines imposed in 2009/10, 58% has been paid fully as at 08 July 2010. This is an increase of 2 percentage points compared with the figure of 56% fully paid as at 09 April 2010.

Justice of the Peace (JP) Court Fines Summary¹

For JP Court Fines imposed in the financial year 2008/09, 79% of the value has been paid or is on track to be paid by instalments as at 08 July 2010. This is an increase of around 1 percentage point compared with the previous value of 78% paid or on track to be paid as at 09 April 2010.

Of the number of JP Court Fines imposed in 2008/09, 69% have been fully paid as at 08 July 2010. This is an increase of around 2 percentage points compared with the figure of 67% fully paid as at 09 April 2010.

¹ NB: For the first time, this report covers JP Court Fines imposed in the Sheriffdoms of North Strathclyde and South Strathclyde, Dumfries & Galloway, where the unification of courts under SCS administration took place in December 2009 and February 2010 respectively. In all Sheriffdoms JP Court Fines data is available from the date of unification (see "Background" section for further details of unifications).

For JP Court Fines imposed in 2009/10, over half of the value (60%) has been fully paid as at 08 July 2010. This is an increase of around 1 percentage point compared with the figure of 59% fully paid as at 09 April 2010.

Fiscal Direct Penalties Summary

For Fiscal direct penalties imposed in 2008/09, 72% of the value has been paid or is on track to be paid by instalments as at 08 July 2010. This is an increase of around 1 percentage point compared with the previous value of 71% paid or on track to be paid as at 09 April 2010.

Of the number of Fiscal direct penalties imposed in 2008/09, 55% have been fully paid as at 08 July 2010. This is an increase of around 3 percentage points compared with the figure of 52% fully paid as at 09 April 2010.

For the Fiscal direct penalties imposed in 2009/10, 43% of the value has been paid as at 08 July 2010. This is an increase of around 3 percentage points compared with the figure of 40% of the value paid as at 09 April 2010.

Police Antisocial Behaviour Fixed Penalties Summary²

For Police Antisocial Behaviour Fixed Penalties imposed in 2008/09 68% of the value has been paid or is on track to be paid by instalments as at 08 July 2010. This collection rate 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. This 68% fully paid rate is an increase of around 1 percentage point on the previous value of 67% of the value of the fines paid as at 09 April 2010.

Of the number of Police Antisocial Behaviour Fixed Penalties imposed in 2008/09, 73% have been fully paid as at 08 July 2010. This is an increase of around 1 percentage point compared with the figure of 72% fully paid as at 09 April 2010.

For Police Antisocial Behaviour Fixed Penalties imposed in 2009/10, over half of the value (57%) has already been paid as at 08 July 2010.

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 08 July 2010, however for some enforcement measures there may be a time lag between the enforcement measure being applied and subsequent payments being received.

² NB: For the first time, this report covers Police Antisocial Behaviour Fixed Penalties imposed in the Sheriffdoms of North Strathclyde and South Strathclyde, Dumfries & Galloway, where the unification of courts under SCS administration took place in December 2009 and February 2010 respectively. In all Sheriffdoms Police Antisocial Behaviour Fixed Penalties data is available from the date of unification (see "Background" section for further details of unifications).

A number of additional enforcement actions include:

- 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 2009/10, and Justice of the Peace (JP) Court fines, Fiscal penalties and Police Antisocial Behaviour Fixed Penalties imposed in 2008/09 and in 2009/10)

- At 08-Jul-10 almost 180,000 enforcement orders had been granted by the courts (over 24,000 of these granted within the 3 months prior to 08-Jul-10). This is the initial step required to pursue enforcement action.
- Fines Enforcement Officers have agreed revised payment terms in over 54,400 accounts (almost 9,300 of these agreed within the 3 months prior to 08-Jul-10), helping individuals maintain payments.
- Almost 22,500 benefit deduction orders have been granted and over 3,600 earnings arrestment orders have been issued (including 4,675 granted and 873 issued respectively within the 3 months prior to 08-Jul-10).
- Where people are unable to pay, courts have imposed supervised attendance orders on over 7,000 people as an alternative punishment (over 773 of these were imposed within the 3 months prior to 08-Jul-10).

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 08 July 2010

		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	54.7	47.5	2.5	4.8
2006/07 to 2008/09			86.8%	4.5%	8.7%
FY 2006/07	Sheriff Court Fines ²	18.6	17.7 95.2%	0.3 1.6%	0.6 3.2%
FY 2007/08	Sheriff Court Fines ²	17.2	15.2 88.5%	0.6 3.3%	1.4 8.2%
FY 2008/09	Sheriff Court Fines ²	18.9	14.5 76.8%	1.6 8.6%	2.8 14.6%
FY 2009/10	Sheriff Court Fines ²	13.0	7.5 57.9%	3.1 23.5%	2.4 18.7%
FY 2008/09	JP Court Fines ³	2.7	2.0 73.0%	0.2 5.8%	0.6 21.2%
	Fiscal Direct Penalties ⁴	4.2	2.6 62.2%	0.4 10.2%	1.2 27.6%
	Police Antisocial Behaviour Penalties ⁵	0.7	0.4 67.8%	0.0 0.8%	0.2 31.4%
FY 2009/10	JP Court Fines ³	5.8	3.5 60.1%	0.9 15.9%	1.4 24.0%
	Fiscal Direct Penalties ⁴	4.0	1.7 42.6%	0.6 16.3%	1.6 41.1%
	Police Antisocial Behaviour Penalties ⁵	2.1	1.2 57.1%	0.0 1.7%	0.9 41.2%

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

Notes:

- Figures include fines against both persons and companies. The figures relate to the value of fine accounts. An account may contain more than one fine if an offender receives more than one fine on a single day.
- 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, become Registered Fines. "Total Value to be paid" is consequently the sum of Police Fines paid (£40 each) and Registered Fines (£60 each), minus discharges. The payment percentages relate to proportions of "Total Value to be Paid". "Total Value to be Paid" and "Value Paid To Date" also sum payments received from both Police Fines and Registered Fines.
- This figure is the total fines imposed minus any discharges. Fines may be discharged for a number of reasons. These include a sheriff or JP imposed alternative sentence, imprisonment or death of a defaulter. Discharges include both full discharges and fines which have been discharged following part-payment. The values of unpaid £40 Police Fines are discharged when they become £60 Registered Fines to avoid double counting.
- Percentages are presented as a proportion of "Total Value to be Paid".

NB: Values and percentages may not add up to their constituent subtotals and totals due to rounding.

Values of £0.0m in the table denote values of less than £50,000 that have been rounded down.

Number of Fines¹
as at 08 July 2010

		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 2006/07 to 2008/09	Sheriff Court Fines²	112,002	92,936 83.0%	3,515 3.1%	10,027 9.0%	5,524 4.9%
FY 2006/07	Sheriff Court Fines ²	38,834	36,775 94.7%	364 0.9%	1,115 2.9%	580 1.5%
FY 2007/08	Sheriff Court Fines ²	39,615	33,703 85.1%	1,052 2.7%	3,100 7.8%	1,760 4.4%
FY 2008/09	Sheriff Court Fines ²	33,553	22,458 66.9%	2,099 6.3%	5,812 17.3%	3,184 9.5%
FY 2009/10	Sheriff Court Fines ²	29,129	12,815 44.0%	4,037 13.9%	7,491 25.7%	4,786 16.4%
FY 2008/09	JP Court Fines ³	15,234	10,451 68.6%	512 3.4%	2,004 13.2%	2,267 14.9%
	Fiscal Direct Penalties ⁴	40,907	22,484 55.0%	3,537 8.6%	5,680 13.9%	9,206 22.5%
	Police Antisocial Behaviour Penalties ⁵	13,569	9,931 73.2%	78 0.6%	249 1.8%	3,311 24.4%
FY 2009/10	JP Court Fines ³	33,119	18,152 54.8%	2,134 6.4%	6,020 18.2%	6,813 20.6%
	Fiscal Direct Penalties ⁴	39,593	13,549 34.2%	3,391 8.6%	6,734 17.0%	15,919 40.2%
	Police Antisocial Behaviour Penalties ⁵	41,945	26,529 63.2%	478 1.1%	897 2.1%	14,041 33.5%

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

Notes:

1. Figures include fines against both persons and companies. 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.
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, become Registered Fines. "Number to be Paid" is consequently the sum of Police Fines paid (£40 each) and Registered Fines (£60 each), minus discharges. The payment percentages relate to proportions of "Number to be Paid". "Number to be Paid" and "Number Fully Paid" also sum payments received from both Police Fines and Registered 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 or JP imposed alternative sentence, imprisonment or death of a defaulter. Discharges include both full discharges and fines which have been discharged following part- payment. The numbers of unpaid £40 Police Fines are discharged when they become £60 Registered Fines to avoid double counting.
7. Percentages are presented as a proportion of "Number to be Paid".

NB: Numbers and percentages may not add up to their constituent subtotals and totals due to rounding.

Data Tables

This link [QFR 5 Tables](#) provides an Excel workbook showing the value and number tables as at 8 July 2010.

The next quarterly report will be published on 26th November 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 fifth 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 is due within 28 days and is collected by the SCS. 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 enforcement passing to the SCS Fines Enforcement Officers, who will seek an enforcement order from the court. Figures for value and number of Police Antisocial Behaviour Fixed Penalty Notices paid therefore include both payments made to original police fines and payments made to registered fines.

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 Antisocial Behaviour Fixed Penalty Notices became 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

North Strathclyde – 14 December 2009

South Strathclyde, Dumfries & Galloway – 22 February 2010

GUIDANCE ON DEFINITIONS AND DATA

The data source is a management information data extract from COP2 (the SCS operational system used in 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 <u>not</u> 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 <u>not</u> 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.
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.

Notes: The 'value' categories do not directly correspond 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.

The discharge categories cover situations where there has been no payment prior to discharge and also instances where there has been a part-payment prior to discharge.