

Fines and financial penalties imposed up to end September 2009, as at 11 January 2010

This Report presents information on fines as at 11 January 2010. The previous Quarterly Reports¹ have contained information on fines as at 6 July 2009 and as at 5 October 2009.

Figures for 'number imposed' and 'value imposed' 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. The background data-tables show the details of fines imposed before and after discharges.

Sheriff Court Fines Summary

As at 11 January 2010, 89% 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 88% paid or on track to be paid as at 5 October 2009.

Of the number of fines imposed over these three financial years, 78% have been fully paid as at 11 January 2010. This is an increase of around 3 percentage points compared with the previous figure of 75% fully paid as at 5 October 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, 77% of the value has been paid or is on track to be paid by instalments as at 11 January 2010. This is an increase of around 1 percentage point compared with the previous value of 76% paid or on track to be paid as at 5 October 2009.

Of the number of JP Court Fines imposed in 2008/09, 64% have been fully paid as at 11 January 2010. This is an increase of around 5 percentage points compared with the figure of 59% fully paid as at 5 October 2009.

For JP Court Fines imposed in the first half of 2009/10, over half of the value (55%) has already been paid as at 11 January 2010.

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

Fiscal Direct Penalties Summary

For Fiscal direct penalties imposed in 2008/09, 65% of the value has been paid or is on track to be paid by instalments as at 11 January 2010. This is an increase of around 6 percentage points compared with the previous value of 59% paid or on track to be paid as at 5 October 2009.

Of the number of Fiscal direct penalties imposed in 2008/09, 47% have been fully paid as at 11 January 2010. This is an increase of around 5 percentage points compared with the figure of 42% fully paid as at 5 October 2009.

For the Fiscal direct penalties imposed in the first half of 2009/10, over a third of the value (37%) has already been paid as at 11 January 2010.

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

As at 11 January 2010, Police Antisocial Behaviour Fixed Penalties imposed in 2008/09 have a collection rate of 66% of the value of the fines. 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 66% collection rate is an increase of around 1 percentage point on the previous value of 65% of the value of the fines paid as at 5 October 2009.

Of the number of Police Antisocial Behaviour Fixed Penalties imposed in 2008/09, 71% have been fully paid as at 11 January 2010. This is an increase of around 1 percentage point compared with the figure of 70% fully paid as at 5 October 2009.

For Police Antisocial Behaviour Fixed Penalties imposed in the first half of 2009/10, over half of the value (52%) has already been paid as at 11 January 2010.

Note that these figures only cover Sherifffdoms 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 half 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 half of 2009/10)

- At 11-Jan-10 almost 132,000 enforcement orders had been granted by the court (over 23,000 granted within the 3 months prior to 11-Jan-10). This is the initial step required to pursue enforcement action.
- Fines Enforcement Officers have agreed revised payment terms with almost 29,000 people (almost 11,000 agreed within the 3 months prior to 11-Jan-10), helping individuals maintain payments.
- Almost 12,000 benefit deduction orders have been granted and some 2,000 earning arrestment orders have been issued (some 4,000 were granted and 570 were issued respectively within the 3 months prior to 11-Jan-10).
- Where people are unable to pay, courts have imposed supervised attendance orders on around 5,600 people as an alternative punishment (over 700 were imposed within the 3 months prior to 11-Jan-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 11 January 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	55.5	46.1	3.5	5.9
2006/07 to 2008/09			83.0%	6.4%	10.6%
FY 2006/07	Sheriff Court Fines ²	18.9	17.6	0.4	0.9
			93.2%	2.1%	4.7%
FY 2007/08	Sheriff Court Fines ²	17.4	14.9	0.7	1.7
			86.0%	4.2%	9.8%
FY 2008/09	Sheriff Court Fines ²	19.3	13.6	2.4	3.3
			70.4%	12.4%	17.2%
01 April 2009 to 30 Sept 2009	Sheriff Court Fines ²	6.2	3.3	1.9	1.0
			52.3%	31.1%	16.6%
FY 2008/09	JP Court Fines ³	2.7	1.9	0.2	0.6
			68.6%	8.4%	23.0%
	Fiscal Direct Penalties ⁴	4.3	2.3	0.5	1.5
			53.8%	11.6%	34.6%
	Police Antisocial Behaviour Penalties ⁵	0.7	0.4	0.0	0.2
			64.9%	0.9%	34.2%
01 April 2009 to 30 Sept 2009	JP Court Fines ³	2.7	1.5	0.6	0.6
			54.7%	22.2%	23.1%
	Fiscal Direct Penalties ⁴	2.1	0.8	0.5	0.8
			36.6%	24.1%	39.3%
	Police Antisocial Behaviour Penalties ⁵	1.1	0.6	0.0	0.5
			52.1%	1.8%	46.1%

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.

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

Number of Fines^{1,8}
as at 11 January 2010

		Number Imposed	Number Discharged ⁷	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	132,847	18,670	114,177	88,917 77.9%	4,325 3.8%	13,123 11.5%	7,812 6.8%
FY 2006/07	Sheriff Court Fines ²	50,146	10,480	39,666	36,410 91.8%	458 1.2%	1,657 4.2%	1,141 2.9%
FY 2007/08	Sheriff Court Fines ²	45,581	5,359	40,222	32,669 81.2%	1,223 3.0%	3,966 9.9%	2,364 5.9%
FY 2008/09	Sheriff Court Fines ²	37,120	2,831	34,289	19,838 57.9%	2,644 7.7%	7,500 21.9%	4,307 12.6%
01 April 2009 to 30 Sept 2009	Sheriff Court Fines ²	16,039	737	15,302	5,320 34.8%	2,474 16.2%	4,442 29.0%	3,066 20.0%
FY 2008/09	JP Court Fines ³	15,839	461	15,378	9,803 63.7%	656 4.3%	2,210 14.4%	2,709 17.6%
	Fiscal Direct Penalties ⁴	46,391	4,541	41,850	19,633 46.9%	3,828 9.1%	6,007 14.4%	12,382 29.6%
	Police Antisocial Behaviour Penalties ⁵	13,726	196	13,530	9,582 70.8%	62 0.5%	243 1.8%	3,643 26.9%
01 April 2009 to 30 Sept 2009	JP Court Fines ³	15,680	331	15,349	7,505 48.9%	1,282 8.4%	3,157 20.6%	3,405 22.2%
	Fiscal Direct Penalties ⁴	22,467	1,699	20,768	5,825 28.0%	2,049 9.9%	3,797 18.3%	9,097 43.8%
	Police Antisocial Behaviour Penalties ⁵	21,435	309	21,126	12,429 58.8%	219 1.0%	462 2.2%	8,016 37.9%

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.

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

Data Tables

This link [QFR 3 Tables](#) provides an Excel workbook showing the value and number tables as at 11 January 2010.

The next quarterly report is planned to be published in May 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 third 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 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

North Strathclyde – 12 December 2009

South Strathclyde, Dumfries & Galloway – planned for 22 February 2010

Given that this Report presents fines imposed up to end September 2009, no North Strathclyde or South Strathclyde, Dumfries & Galloway data is available yet for Justice of the Peace Court Fines or Police Antisocial Behaviour Fixed Penalty Notices. Justice of the Peace Court Fines and Antisocial Behaviour Fixed Penalty Notices data in this report therefore covers only the four Sheriffdoms that had unified previously.

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 <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. 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.