

Sheriff Court Summary

Overall fine collection rates in Scotland have been consistently high with 87% of the value of Sheriff Court fines over the three year period (1 April 2006 to 31 March 2009) either paid fully or on track to be paid through instalments.

Around 94% of the value of Sheriff Court fines imposed in 2006-07 has either been paid fully or is on track to be paid.

Figures on Sheriff Court fines are henceforth presented by the Scottish Court Service (SCS) on a rolling three 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 year on year figures indicate a broadly consistent fine collection pattern throughout each year.

Fiscal Penalties Summary

Fiscal direct penalties stand at 60% of the value fully paid or on track to be paid by instalments. This compares to an estimated 40% collection rate prior to the programme of Summary Justice Reform. The SCS recognises that more needs to be done and has introduced specifically targeted measures (detailed below) to improve collection rates.

Police Anti-Social Behaviour Fixed Penalties Summary

Police Fixed Penalties have a collection rate of around 64% of the value of the fines, which covers both payments made to the Police within the initial 28 day period and payments made once the Fixed Penalty becomes a registered fine, 50% higher than the original fixed penalty, which is then enforced by the SCS.

Enforcement Action and New Measures

All outstanding fines are being pursued by the SCS. New enforcement measures introduced in July 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 prior to the introduction of the new enforcement measures.

Additional enforcement measures introduced July 2009

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 2008/09 and JP, Fiscal and Police fines imposed in 2008/09)

- At 6 July 2009 over 85,500 enforcement orders have been granted by the court which is the initial step required to pursue enforcement action.
- Fines Enforcement Officers have agreed revised payment terms in well over 11,000 cases, helping individuals maintain payments.
- Over 3,600 benefit deduction orders have been granted and almost 1,000 earning arrestment orders have been issued.
- Where people are unable to pay, courts have imposed supervised attendance orders in over 4,200 cases as an alternative punishment.

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 6th July 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 (2006/07 to 2008/09)	Sheriff Court Fines²	56.1	43.7 77.9%	5.4 9.5%	7.1 12.6%
FY 2006/07	Sheriff Court Fines ²	19.0	17.4 91.7%	0.4 2.1%	1.2 6.2%
FY 2007/08	Sheriff Court Fines ²	17.5	14.5 82.4%	0.9 5.1%	2.2 12.5%
FY 2008/09	Sheriff Court Fines ²	19.6	11.8 60.5%	4.1 20.8%	3.7 18.8%
FY 2008/09	JP Court Fines ³	2.7	1.6 59.4%	0.5 16.8%	0.7 23.8%
	Fiscal Direct Penalties ⁴	4.4	2.0 44.3%	0.7 15.3%	1.8 40.5%
	Police Antisocial Behaviour Penalties ⁵	0.7	0.4 62.7%	0.0 1.2%	0.2 36.1%

Number of Fines^{1,8}
as at 6th July 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 (2006/07 to 2008/09)	Sheriff Court Fines²	116,089	82,823 71.3%	4,896 4.2%	17,019 14.7%	11,351 9.8%
FY 2006/07	Sheriff Court Fines ²	40,226	35,936 89.3%	417 1.0%	2,207 5.5%	1,666 4.1%
FY 2007/08	Sheriff Court Fines ²	40,774	31,270 76.7%	1,115 2.7%	5,178 12.7%	3,211 7.9%
FY 2008/09	Sheriff Court Fines ²	35,089	15,617 44.5%	3,364 9.6%	9,634 27.5%	6,474 18.5%
FY 2008/09	JP Court Fines ³	15,514	8,408 54.2%	813 5.2%	2,757 17.8%	3,536 22.8%
	Fiscal Direct Penalties ⁴	42,857	15,721 36.7%	2,601 6.1%	7,255 16.9%	17,280 40.3%
	Police Antisocial Behaviour Penalties ⁵	13,571	9,378 69.1%	90 0.7%	218 1.6%	3,885 28.6%

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.

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

Data Tables

This link [QFR 1 Tables](#) provides an Excel workbook showing the value and number tables as at 6 July 2009.

Further updates will be published in November 2009 and quarterly thereafter. 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 first 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 Anti-Social 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.

Anti-Social 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 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 (ie 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.