



## Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB go to [www.citizensadvice.co.uk](http://www.citizensadvice.co.uk) or find us in the phonebook.

### Other factsheets in this series

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- Jargon Buster factsheet
- Payment Protection Insurance
- Bank charges

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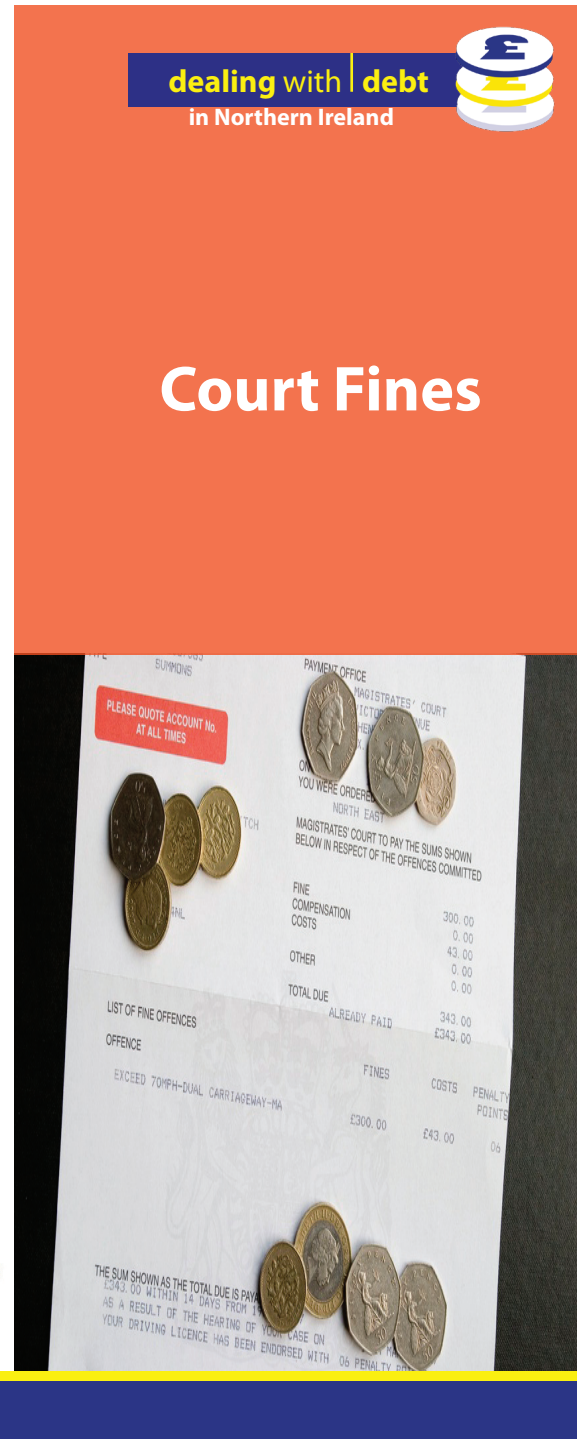
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### Court Fines:

If you're taken to court in a criminal case and you're found guilty, the court may order you to pay a fine. It's very important not to get into debt with unpaid court fines because you can be sent to prison for not paying.

This fact sheet tells you how you can avoid getting into debt with a court fine, and what you can do if you do if you do get into debt.



THE SUM SHOWN AS THE TOTAL DUE IS PAYABLE WITHIN 14 DAYS FROM THE DATE OF THE HEARING OF YOUR CASE ON WHICH YOUR DRIVING LICENCE HAS BEEN ENDORSED WITH A PENALTY POINTS

# Court Fines

## Get advice about all your debts

You may have other debts as well as unpaid fines. If this is the case, get help from a **specialist debt adviser**. An adviser will help you to:

- deal with all your debts as a whole.
- work out what order your debts should be paid in (*Priority/Non Priority Debts*).
- try to come to an agreement with the people you owe money to.

## Ensure the court knows your financial position

When you go to court, make sure they know your financial circumstances before you are sentenced, this may help you **avoid getting a fine** which you can't afford to pay.

Give the court information about how much money you've got coming in, people who depend on you financially (for example your partner or children), your **housing costs** and anything else you have to pay out for. Sometimes you can plead guilty to a criminal case without going to court in person for example traffic offences. If you do this, make sure you send in details of your **financial circumstances** when you send your court forms in by post.

## Come to an agreement with the court

When the Court imposes a fine it will usually allow the defendant a period of time to pay. The minimum time is normally 28 days but the court will specify whatever period it thinks is appropriate. Alternatively the court may order that the amount due is paid by instalments. Where the court allows time to pay, it is open to the defendant to apply for additional time to pay or for an instalment order. In determining any such application, the District Judge (Magistrates' Courts) will consider any information provided in relation to the **means** of a defendant.

## Getting into difficulties in paying your fine

You could get into difficulties when you're paying a fine off by instalments, or because you've promised to pay on a certain date and can't pay on the date that it's due. Write to the court, explaining why you have a problem paying up. Include proof of your financial circumstances.



Depending on your circumstances, you may be able to ask;

- if you can pay by instalments, or
- if you can pay smaller instalments over a longer period, or
- if you can pay the rest of the fine by a certain date, or
- if you can pay the fine at a later date

Failure to pay the fine or any instalment will give rise to enforcement action, the most common form of which is issuing a warrant to the police to commit the person to prison for the period specified by the court unless the sums are sooner paid. If a person is committed to prison this clears the fine due.

Other less commonly used enforcement mechanisms which may be ordered by the court include distress (i.e. **seizure and sale of property to satisfy the amount**) or **attendance centre orders** (subject to the age of the defendant). There is also legislative provision in the Criminal Justice (NI) Order 2008 for **Supervised Activity Orders** to be made in the event of fine default. The Government recently consulted on a range of alternative fine enforcement mechanisms which could be introduced, including attachment of earnings and deductions from benefits. If you don't contact the court when you're getting into difficulties, you could be taken back to court. In some circumstances, you could be arrested.

## The NI Court Service

In an attempt to reduce the number of warrants being issued to the police, the Court Service has set up a **Fine Collection Team** which will attempt to contact you by letter or telephone to remind you that payment is due.

Give the court full details and proof of your financial circumstances. You should try and come to an agreement about how to pay off your fine, or see if the court will agree to write it off. If you can't come to an agreement with the court, there are a number of things they can do to force you to pay up.

If you think the court didn't look into your financial circumstances properly before sending you to prison, get legal advice. If you have to go to prison for not paying a fine, the fine will be written off when you're released but the initial debt will still have to be paid. Seek advice from your local Citizens Advice Bureau.

