



Isle of Man

Ellan Vannin

AT 7 of 1985

COLLECTION OF FINES ETC. ACT 1985



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**Isle of Man***Ellan Vannin*

COLLECTION OF FINES ETC. ACT 1985

<i>Received Royal Assent:</i>	10 May 1985
<i>Passed:</i>	22 May 1985
<i>Commenced:</i>	1 January 1986

AN ACT to make new provision for the collection of fines and other sums payable by order of a criminal court and of certain maintenance payments; and for connected purposes.

GENERAL NOTE: References to the Finance Board are to be construed in accordance with the *Treasury Act 1985* s 6.

1 Collection of fines etc

[P1979/55/61]

- (1) Subject to the provisions of this Act, there shall be paid to the Chief Registrar —
 - (a) all fines adjudged to be paid by a conviction of a criminal court;
 - (b) all sums which become payable by virtue of an order, declaration or judgment of a court and are by virtue of any statutory provision made applicable as fines imposed by a criminal court or any class or description of such fines;
 - (c) all sums required to be paid by a compensation order under Schedule 6 to the *Criminal Law Act 1981*;
 - (d) all sums in respect of costs adjudged to be paid to the prosecutor by a conviction of a criminal court.¹
- (2) Subject to subsections (2A) and (3), the Chief Registrar shall, in accordance with regulations under section 3(1), pay all the sums received by him by reason of his office, other than —
 - (a) sums received by him on account of his salary or expenses; and
 - (b) sums to which any person other than the Treasury is entitled by virtue of any statutory provision and which are paid to that person;²

to the Treasury for the general revenue of the Island.³

- (2A) In the case of a conviction for an offence to which this subsection applies and which is prosecuted at the suit of —
- (a) a local authority, or
 - (b) an officer of a local authority,
- the Chief Registrar shall pay to the local authority any sum referred to in subsection (1)(a) or (d).⁴
- (2B) Subsection (2A) applies to an offence consisting of a contravention of —
- (a) a byelaw made by a local authority; or
 - (b) an enactment prescribed for the purpose of that subsection by an order made by the Treasury.⁵
- (2C) Before making an order under subsection (2B)(b) the Treasury shall consult the Department of Infrastructure; and such an order shall not have effect unless it is approved by Tynwald.⁶
- (2D) In subsections (2A) and (2B) “local authority” includes a joint board.⁷
- (3) Any sum paid to the Treasury by virtue of subsection (2) shall be paid to it subject to its being repaid to any person establishing his title to it.⁸
- (4) In this section —
- “criminal court” means —
- (i) a Court of General Gaol Delivery;
 - (ii) a court of summary jurisdiction;
 - (iii) the criminal jurisdiction of the Staff of Government Division;

“fine” includes any pecuniary penalty or pecuniary forfeiture payable on a conviction.

2 Priorities

The Chief Registrar shall apply any sum received by him on account of a sum adjudged to be paid by a conviction as follows —

- (a) first, in payment of any compensation adjudged by the conviction to be paid to any person;
- (b) secondly, in payment of any costs so adjudged to be paid to the prosecutor;
- (c) the balance to be applied in payment of any fees, expenses of courts, fines and any other payments.⁹

3 Accounts etc

- (1) The Finance Board shall make regulations as to the times at which, and the manner in which, the Chief Registrar shall account for and pay the sums payable under section 1.¹⁰

- (2) Regulations under subsection (1) shall not have effect unless they are approved by Tynwald.
- (3) The accounts of the Chief Registrar relating to the sums payable to him under section 1 shall be inspected in accordance with the *Audit Act 2006*.¹¹

4 Recovery of fines etc

- (1) A court of summary jurisdiction, on an application made by the Chief Registrar, may grant execution for the amount of any sum payable to the Chief Registrar under section 1.¹²
- (2) Where —
 - (a) any sum is payable by one person to the Chief Registrar under section 1(1) and;¹³
 - (b) another person would, if the sum were so paid, be entitled to be paid any amount by virtue of section 1(2) or 2,the person mentioned in paragraph (a) shall be treated, for the purposes of any enactment relating to bankruptcy or to the winding up of a company, as owing a sum equal to that amount to the person mentioned in paragraph (b).¹⁴

5 [Repealed]¹⁵

6 Consequential amendments

- (1) The enactments specified in Part II of Schedule 1 are amended in accordance with that Part.
- (2) [Repealed]¹⁶

7 Short title etc

- (1) This Act may be cited as the Collection of Fines etc. Act 1985.
- (2) This Act shall come into operation on such day as the Governor in Council may by order appoint, and an order under this subsection may contain such supplemental, incidental, consequential and transitional provisions as appear to the Governor in Council to be necessary or expedient for the purposes of the order.¹⁷

SCHEDULE 1

AMENDMENTS OF ENACTMENTS

PART I¹⁸

PART II – OTHER ENACTMENTS

[Part II amended by Local Elections Act 1986 Sch 4, by Summary Jurisdiction Act 1989 Sch 6, by Criminal Jurisdiction Act 1993 Sch 4 and by Maintenance Orders (Reciprocal Enforcement) Act 1995 Sch 3, and amends the following Acts —

Bail Act 1952 q.v.

Administration of Justice Act 1981 q.v.]

SCHEDULE 2¹⁹

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Subs (1) amended by Law Reform Act 1997 Sch 5.

² Para (b) amended by Treasury Act 1985 Sch 2.

³ Subs (2) amended by Treasury Act 1985 Sch 2, by Law Reform Act 1997 Sch 5 and by Local Government Act 2006 s 16 with saving.

⁴ Subs (2A) inserted by Local Government Act 2006 s 16 with saving.

⁵ Subs (2B) inserted by Local Government Act 2006 s 16 with saving.

⁶ Subs (2C) inserted by Local Government Act 2006 s 16 with saving and amended by SD155/10 Sch 5.

⁷ Subs (2D) inserted by Local Government Act 2006 s 16 with saving.

⁸ Subs (3) amended by Treasury Act 1985 s 7 and Sch 2 and by Interpretation Act 1976 s 16A.

⁹ S 2 amended by Law Reform Act 1997 Sch 5.

¹⁰ Subs (1) amended by Law Reform Act 1997 Sch 5.

¹¹ Subs (3) amended by Law Reform Act 1997 Sch 5, by Audit Act 2006 Sch 1 and by Audit (Amendment) Act 2015 Sch.

¹² Subs (1) amended by Law Reform Act 1997 Sch 5.

¹³ Para (a) amended by Law Reform Act 1997 Sch 5.

¹⁴ Subs (2) added by Summary Jurisdiction Act 1988 s 5.

¹⁵ S 5 repealed by Matrimonial Proceedings Act 2003 Sch 6.

¹⁶ Subs (2) repealed by Statute Law Revision Act 1992 Sch 2.

¹⁷ ADO (whole Act) 1/1/1986 (GC301/85).

¹⁸ Part I repealed by Matrimonial Proceedings Act 2003 Sch 6.

¹⁹ Sch 2 repealed by Statute Law Revision Act 1992 Sch 2.