



Criminal Justice and Courts Bill

Fact Sheet: Criminal Courts Charge

Introduction

1. The Government considers that convicted adult offenders who use our criminal courts should pay towards the cost of running them. The Criminal Courts Charge will make it possible to recover some of the costs of the criminal courts from these offenders, reducing the burden on taxpayers.
2. Courts already have a number of powers to require offenders to make payments including compensation for victims, the Victim Surcharge - which funds victims' services - prosecution costs, and fines. Currently, there are no charges payable that cover the cost of administering a criminal court case by HM Courts and Tribunals Service.

The criminal courts charge

3. Where an adult offender is convicted of a crime, the court will order them to pay the Criminal Courts Charge. The charge will not be linked to the offender's sentence, but will be imposed at a level set according to the costs reasonably attributable to a case of the class. The court will not be able to take the charge into account when they decide on the appropriate sentence.
4. The Criminal Courts Charge will also be ordered where an offender is unsuccessful in their appeal to the court or where they attend hearings for breaching certain court orders, such as failing to comply with community orders.
5. Any offender who is aged under 18 at the time the offence is committed will not be ordered to pay the Criminal Courts Charge.
6. The charge levels will be set out in secondary legislation. These levels will be set in bands based on factors that drive cost such as the offence type, whether it was dealt with in the magistrates' or the Crown Court and whether the offender pleaded guilty or not. The bands of the charge will be set so that offenders do not pay more than the costs reasonably attributable to their type of case.
7. The Government has now published draft charge levels, ranging between £150 and £1200, in order to inform Parliamentary debate on the Criminal

¹. These charge levels will be reviewed and finalised prior to implementation of the criminal courts charging policy.

Remitting the charge

8. If an offender takes reasonable steps to comply with the payment terms for the Criminal Courts Charge and does not reoffend within a specified period of time, the court will be able to remit all or part of this outstanding debt so the offender is no longer liable to repay it. Allowing the court to cancel the charge after a limited period of time has passed will incentivise rehabilitation through rewarding those offenders who do not reoffend and also encourage compliance with payment terms.
9. The time period after which the court can remit the offender's charge debt will be set at two years from the point the offender was last convicted of an offence or from the point of release from prison for offenders serving custodial sentences. This time period will be confirmed in secondary legislation prior to implementation of the courts charge policy.

Enforcing the charge

10. The charge will be paid after other financial impositions already set by the court – compensation to victims, Victim Surcharge, prosecution costs and fines – have been collected. The court or a fines officer will set the repayment rate for these financial impositions and the offender will continue paying the charge at this rate.
11. Where an individual is summoned to attend a hearing in the criminal courts, they will be asked to provide information about their means. This can enable the court to set an appropriate payment rate for the charge based on the offender's income. Where the court does not set payment terms, an offender will be able to contact a fines officer to do this. Offenders will be able to apply to pay by instalment and to vary the rate of payment with the agreement of a fines officer so that they can pay at a rate they can afford.
12. This Bill makes provision to enable fines officers to agree new payment terms with an offender post-default, giving offenders further opportunity to take responsibility for their debts and reducing the administrative burden of enforcement activity. It will also enable variation of payments in terms less favourable to an offender subject to their consent, e.g. a Fines Officer will be able to ask an offender to pay at a higher rate should their circumstances improve or their income increase.

¹ [Impact assessment addendum](#)

13. The charge will be collected using existing HMCTS debt collection processes in a similar way to other financial impositions such as fines and compensation.
14. If default in paying the Criminal Courts Charge by an offender is due to their wilful refusal or culpable neglect and all other enforcement steps have been exhausted, then the ultimate sanction of ordering them to serve a term of imprisonment can be used as a last resort.
15. The Bill allows the Lord Chancellor to require an offender to pay interest on their charge where it remains unpaid, to ensure that an interest rate can be applied at the rate of inflation which will keep the value of the charge the same in real terms. The rate of interest will be determined in accordance with secondary legislation, and will be set at a level which will not exceed the real terms value of the charge debt.
16. We recognise that more must be done to improve the collection of financial impositions and we are in the process of contracting out our Compliance and Enforcement Service. An external provider will bring in the necessary investment and technology needed to help increase fine collection, reduce enforcement costs and importantly ensure more criminals pay.

Review

17. Within this Bill, there is a duty placed on the Lord Chancellor to carry out a review of the Criminal Courts Charge. This review will be carried out three years after the implementation of the charge. The Lord Chancellor will have the duty to repeal the legislation if he or she considers it appropriate based on the outcome of this review.

Annex A: Draft charge levels

	<u>Charges by band (13/14 prices)</u>	Proposed charge levels
<u>Magistrates' Court</u>	<u>Summary offence guilty plea</u>	£150
	<u>Either way guilty plea in the magistrates' court</u>	£210
	<u>Summary offence trial</u>	£720
	<u>Either way trial in the Magistrates' court</u>	£1,000
<u>Crown Court</u>	<u>Indictable guilty plea</u>	£900
	<u>Either way or indictable only trial in the Crown Court</u>	£1,200