Centre for Justice Innovation

# PAYING FOR JUSTICE: HOW OUR COURT FINES SYSTEM TIPS THE SCALES

## BACKGROUND

Every year, hundreds of thousands of people in England and Wales are fined in the criminal courts. Last year, these fines represented 75% of all sentences. Our criminal court fines system is meant to be simple and fair, ensuring people are proportionately punished for breaking the law.

However, for many, these fines are not a proportionate punishment but the start of a cycle of debt, distress and deeper contact with the justice system. Our research shows that nearly half of all criminal court fines remain unpaid 12 months after sentencing, and that the Government has no data on who these fines are imposed upon, whether they are on benefits or living in low-income households. The current system assumes people can pay. The evidence shows that many cannot.

Drawing together three years of research, this briefing explains how the current fines system is failing, and what can be done to make it fairer, more proportionate and more effective.

## HOW WE BUILT THE EVIDENCE

Perhaps because it tends to involve the crimes which create the least amount of harm to others, the court fine system has been subject to very little recent research and scrutiny. With the support of the Aberdeen Group Charitable Trust (formerly the abrdn Financial Fairness Trust), the Centre for Justice Innovation has been able to assemble a rich evidence base. It combines quantitative analysis of more than 250,000 anonymised Citizens Advice client records, qualitative interviews with people fined in criminal courts, interviews with magistrates and legal practitioners, court observations in multiple magistrates' courts, a review of international and domestic literature and a nationally representative survey of 2,000 adults on their attitudes to fines and fairness. This mixed-methods approach provides a comprehensive view of how fines are imposed, experienced and enforced - and why reform is needed.

## THE CASE FOR CHANGE

### Non-payment and poverty

Half of all court fines remain unpaid a year after sentencing. While Government data cannot identify how many people are experiencing financial hardship, our analysis of Citizens Advice data suggests that people with court fine arrears are twice as likely to live in social housing and twice as likely to be unemployed than other client groups. Our lived-experience interviews found that many were already struggling to meet their basic living costs. For people on the lowest incomes, a fine functions less as a deterrent than as a debt, one that deepens poverty and anxiety rather than supporting rehabilitation.

### Broken affordability checks

The safeguards that are supposed to ensure that fines reflect a person's ability to pay are not working. Both in open court and through the Single Justice Procedure (a legal process that allows a single magistrate to deal with minor offences without a public hearing), fines are often imposed without any reliable assessment of income. Magistrates told us that they routinely impose fines they know cannot be paid, because the law leaves them no alternative. In the hundreds of thousands of cases processed through the Single Justice Procedure each year, defendants are often not aware of the opportunity to enter in their financial data before the fine amount is decided.

## The hidden costs of punishment

A court fine rarely stands alone. People are also required to pay a surcharge, prosecution costs, and collection fees if enforcement becomes necessary. Together, these can double or even triple the total amount owed. Many of the people we spoke to described impossible choices - paying court debts often meant going without heating, food or rent. Although fines and charges are meant to respond to people's financial circumstances, the process for setting them feels arbitrary and opaque. Some people in financial hardship reported that their perception of the fairness of the sentence, and the legitimacy of the justice system, changed as seemingly random amounts were added to their sentence, turning if from an affordable punishment to a disproportionate one.

## Public support for reform

Public attitudes are far more pragmatic than policy. Our 2025 survey found that 73 per cent of people agreed that an alternative punishment should be used when courts know a person is unable to pay a fine. Only 18 per cent disagreed. The public appears to recognise what the system often does not; poverty cannot be punished away with debt. Support was especially strong for replacing fines with constructive, community-based interventions that help people address underlying causes of offending, such as addiction, homelessness or mental ill-health.

## TOWARDS A FAIRER AND MORE EFFECTIVE SYSTEM

During our investigation into court fines, we have developed practical and evidence-led solutions in concert with experts from the world of debt advice, court operations and policy. Based on these, we believe there are a number of realistic and deliverable ways to make our fines system more effective.

## Reducing reliance on fines

Our research suggests that many fine cases could be handled more effectively through existing police-led diversion schemes. Expanding the use of out of court resolutions (OOCRs) would divert thousands of low-harm, low-income cases away from the courts. OOCRs are particularly effective for the "revolving door" cohort - people repeatedly fined for offences linked to deprivation or addiction, such as shoplifting or public order offences.

To achieve this, we need the Government to agree on national standards for training, data collection and inspection, to bring about consistency and achieve quality. The Crown Prosecution Service should issue guidance enabling magistrates to support the "roll back" of suitable cases into an OOCR, and the National Police Chiefs' Council should add financial exclusion to its Gravity Matrix, prompting decision-makers to consider whether an individual has a realistic prospect of paying a financial penalty before sending them to court.

## Reforming Fixed Penalty Notices

Fixed Penalty Notices (FPNs), designed to offer quick resolutions for minor infractions, have inflated the court caseload and the number of fines. Non-payment rates exceed 50 per cent nationally, and local authorities make heavy use of the power to prosecute people in court over unpaid fines for behaviour as minor as littering. In a 12 month period, Manchester City Council took 1,472 people to court, while Birmingham City Council prosecuted 1,986.

Our research suggests that substantial amounts of non-payment is driven by inability rather than unwillingness. Reforming the system to reflect good debt enforcement practice would make it both fairer and more efficient. Communication should be modernised, using text and email rather than relying solely on letters, and people should be offered flexible payment plans and short “breathing space” periods before escalation. Low-value fines, where collection costs exceed value, should be written off.

### Moving rail fare evasion into the civil system

Each year, more than 35,000 people are prosecuted for rail fare evasion - a number that has grown by over 50 per cent since 2019. The Office for Road and Rail has described the current approach as a “wild west” of revenue protection, with train companies incentivised to use criminal courts to recover private debts. The result is a system that imposes severe penalties for minor infractions, disproportionately affecting people in financial difficulty. This process should be decriminalised. Fare evasion should be managed through the civil courts, using warnings, penalty notices and County Court judgments, just as unpaid parking fines or utility bills are. This would free up magistrates’ time, reduce costs, and remove the stigma of a criminal record for people whose primary offence is being unable to pay.

### Decriminalising poverty-linked offences

There are offences whose link to poverty is so strong that criminalisation no longer makes sense. These include truancy, sex work and behaviours associated with homelessness. Evidence shows that punitive responses in these areas neither deter nor help: they simply push people further from support. Repealing these offences, and replacing them with welfare-led interventions, would make the system more humane, and remove thousands of unnecessary prosecutions each year.

### Modernising fines and financial orders

Even where a fine remains appropriate, the way they are set and managed must change. A modern justice system should have the means to know what people can afford before it punishes them for not paying. Linking income and benefits data to court systems would allow for automated and accurate means assessments. Moreover, a single online platform would enable people to disclose financial information, make payments, check balances, and report changes in circumstance. Debt advice and hardship support should be embedded within enforcement processes, so that fine payments do not trap people in cycles of destitution and re-offending.

## CONCLUSION

The current system of criminal court fines is neither fair nor effective. It punishes poverty, fuels debt and delivers poor outcomes for both individuals and the state. Reforming it is not only a question of fairness but of efficiency: our estimates suggest that the measures proposed here could remove around 60,000 cases a year from the criminal courts, saving public money while supporting rehabilitation and improving public confidence in justice. The evidence, the public and the practitioners are aligned. It is time to build a fines system that punishes proportionately, protects the vulnerable and restores the principle that justice should do no unnecessary harm.

## WHERE TO FIND MORE INFORMATION

**Research report**: *Where the hell am I going to get that money from?”: The impact of court fines on people on low incomes*.

**Solutions papers**: *Justice in arrears: Policy options beyond the court fine* and *A fairer and more effective system for fines and financial orders in magistrates’ courts.*