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STATUTORY INSTRUMENTS

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**1994 No. 2795**

**The Criminal Justice (Northern Ireland) Order 1994**

**PART II**

**FINES AND PENALTIES**

*Miscellaneous*

**Power to alter certain specified sums**

**9.** For paragraphs (4) and (5) of Article 17 of the Fines and Penalties (Northern Ireland) Order 1984<sup>(1)</sup> there shall be substituted—

“(4) The Secretary of State may by order amend a statutory provision specifying a sum to which this paragraph applies so as to substitute for that sum such other sum as appears to him—

- (a) to be justified by a change in the value of money appearing to him to have taken place since the last occasion on which the sum in question was fixed; or
- (b) to be appropriate to take account of an order which has been made or is proposed to be made altering the statutory maximum or, as the case may be, the standard scale.

(5) Paragraph (4) applies to—

- (a) any sum which is specified as—
  - (i) the maximum fine which may be imposed on summary conviction in respect of an offence punishable on indictment or on summary conviction; and
  - (ii) is higher than the statutory maximum;
- (b) any sum which is specified as—
  - (i) the maximum fine which may be imposed on conviction of an offence punishable on summary conviction only; and
  - (ii) is higher than level 5 on the standard scale.”.

**Alteration of certain penalties**

**10.—(1)** In section 41 of the Foyle Fisheries Act (Northern Ireland) 1952<sup>(2)</sup> (penalty for pollution)—

(a) in subsection (1) for the words from “on summary conviction” onwards there shall be substituted—

“(a) on summary conviction, to a fine not exceeding the statutory maximum;

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(1) 1984 NI 3  
(2) 1952 c. 5 (N.I.)

- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.”;
- (b) after subsection (1) there shall be inserted—
  - “(1A) If in the case of a continuing offence under subsection (1), the offender continues to contravene that subsection, he shall be guilty of a further offence and shall be liable on summary conviction to an additional fine not exceeding one-twentieth of level 5 on the standard scale for each day on which the offence is continued.”.
- (2) In section 47 of the Fisheries Act (Northern Ireland) 1966<sup>(3)</sup> (penalty for pollution)—
  - (a) in subsection (1) for the words from “on summary conviction” onwards there shall be substituted—
    - “(a) on summary conviction, to a fine not exceeding the statutory maximum;
    - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.”;
  - (b) after subsection (1) there shall be inserted—
    - “(1A) If in the case of a continuing offence under subsection (1), the offender continues to contravene that subsection, he shall be guilty of a further offence and shall be liable on summary conviction to an additional fine not exceeding one-twentieth of level 5 on the standard scale for each day on which the offence is continued.”.
- (3) In Article 3(4) of the Criminal Law (Amendment) (Northern Ireland) Order 1977 (penalties for bomb hoaxes)—
  - (a) in sub-paragraph (a) for the words from “three months” onwards there shall be substituted “6 months or to a fine not exceeding the statutory maximum or to both”;
  - (b) in sub-paragraph (b) for “five years” there shall be substituted “7 years or to a fine or to both”.

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(3) 1966 c. 17 (N.I.)