



2011 CHAPTER 24

PART 1

VICTIMS AND WITNESSES

CHAPTER 1

THE OFFENDER LEVY

Offender levy imposed by court

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1.—(1) This section applies where a court dealing with an offender for one or more offences imposes a sentence which is or includes—

- (a) a sentence of imprisonment;
- (b) a sentence of detention in a young offenders centre;
- (c) a sentence of detention under Article 13(4)(b) or 14(5) of the [Criminal Justice \(Northern Ireland\) Order 2008 \(NI 1\)](#);
- (d) a sentence of detention under Article 45(1) of the [Criminal Justice \(Children\) \(Northern Ireland\) Order 1998 \(NI 9\)](#);
- (e) a community order (within the meaning given by Article 2(2) of the [Criminal Justice \(Northern Ireland\) Order 1996 \(NI 24\)](#)); or
- (f) a fine.

(2) Subject to subsections (3) to (5), the court must, in addition, order the offender to pay an amount (“the offender levy”) determined under section 6.

(3) Subsection (2) does not apply where the offender is an individual under the age of 18.

(4) Subsection (2) does not apply by virtue of a sentence mentioned in subsection (1)(a) or (b) if—

- (a) that sentence is to be served concurrently with another such sentence imposed on the offender on a previous occasion; and
- (b) the offender levy has been imposed under this section in relation to that other sentence.

(5) Where the court considers—

- (a) that it would be appropriate to make a compensation order under Article 14 of the [Criminal Justice \(Northern Ireland\) Order 1994 \(NI 15\)](#), but
- (b) that the offender has insufficient means to pay both the offender levy and appropriate compensation,

the court must reduce the offender levy accordingly (if necessary to nil).

(6) A sentence mentioned in subsection (1)(a) and (b) includes a sentence which is suspended under section 18 of the Treatment of Offenders Act (Northern Ireland) [1968 \(c. 29\)](#).

(7) The Department may by order amend subsection (1).

(8) No order shall be made under subsection (7) unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.

(9) In Article 29 of the Criminal Justice (Northern Ireland) Order 1996 (fixing of fines) after paragraph (3) insert—

“(3A) In applying paragraph (3), a court must not reduce the amount of a fine on account of any offender levy it orders the offender to pay under section 1 of the Justice Act (Northern Ireland) 2011, except to the extent that the offender has insufficient means to pay both.”.