



2011 CHAPTER 24

**PART 6**

ALTERNATIVES TO PROSECUTION

CHAPTER 1

PENALTY NOTICES

*Procedure*

**Setting aside of sum enforceable under section 67**

**69.**—(1) A court of summary jurisdiction may, in the interests of justice, set aside a sum enforceable as a fine as a result of section 67.

(2) Where a court sets aside such a sum, it must give a direction that either—

- (a) no further action is to be taken in respect of the alleged offence that gave rise to the penalty notice concerned; or
- (b) that the case is to be treated as if the person concerned had given notice requesting to be tried in respect of the offence.

(3) Where a court gives a direction under subsection (2)(a), the penalty notice concerned, the registration and any proceedings taken for enforcing payment of the sum registered shall be void.

(4) Where a court gives a direction under subsection (2)(b)—

- (a) the registration and any proceedings taken for enforcing payment of the sum registered shall be void; and
- (b) Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26) (limitation of time) shall have effect as if for the reference to the

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*Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2011, Section 69. (See end of Document for details)*

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time when the offence was committed there were substituted a reference to the date of the setting aside.

(5) In this section references to proceedings for enforcing payment of the sum registered are references to any process issued or other proceedings taken for or in connection with enforcing payment of that sum [<sup>F1</sup>(including the making of a collection order)] .

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**Textual Amendments**

- F1** Words in s. 69(5) inserted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\)](#), s. 61(2), [Sch. 2 para. 7\(4\)](#); S.R. 2018/99, art. 2(c)

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**Commencement Information**

- I1** S. 69 in operation at 6.6.2012 by [S.R. 2012/214](#), [art. 2\(m\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2011, Section 69.