



2015 CHAPTER 9

PART 3

PROSECUTORIAL FINES

Prosecutorial fine

Prosecutorial fine: notice of offer

17.—(1) Where a Public Prosecutor receives a report that a summary offence has been committed and that the alleged offender was at the time of the offence aged over 18, the Public Prosecutor may issue a notice to that person offering that person the opportunity of receiving a prosecutorial fine notice in respect of that offence.

(2) Where a Public Prosecutor receives a report that—

- (a) a number of summary offences have been committed by an alleged offender,
- (b) the offences all arise out of the same circumstances, and
- (c) the alleged offender was at the time of the offences aged over 18,

the Public Prosecutor may issue a notice to that person offering that person the opportunity of receiving a prosecutorial fine notice in respect of all the offences.

(3) In subsections (1) and (2) “summary offence” means an offence which is punishable on summary conviction, whether or not it is also triable on indictment.

(4) A notice under subsection (1) must—

- (a) state the alleged offence;

- (b) give such particulars of the circumstances alleged to constitute the offence as are necessary to provide reasonable information about it;
 - (c) state the amount of the prosecutorial fine for that offence and each of the amounts referred to in paragraphs (a) and (b) of section 19(1) or (in the case of an offence falling within section 19(2)) each of the amounts referred to in paragraphs (a), (b) and (c) of section 19(2);
 - (d) indicate that the alleged offender may accept or decline the offer by giving notice to the Public Prosecutor within 21 days of the date on which the notice was issued;
 - (e) indicate that if the offer is declined, or no notice is served under paragraph (d) within the period mentioned in that paragraph, the alleged offender is liable to be prosecuted for the offence;
 - (f) indicate that if the offer is accepted—
 - (i) the alleged offender will be discharged from liability to be prosecuted for the offence; and
 - (ii) a prosecutorial fine notice will be issued to the offender under section 18; and
 - (g) state the effect of section 20(1) and (2).
- (5) A notice under subsection (2) must—
- (a) state the alleged offences;
 - (b) give such particulars of the circumstances alleged to constitute the offences as are necessary to provide reasonable information about them;
 - (c) state the amount of the prosecutorial fine for all the offences and each of the amounts referred to in paragraphs (a) and (b) of section 19(3) or (in a case where section 19(4) applies) each of the amounts referred to in paragraphs (a), (b) and (c) of section 19(4);
 - (d) indicate that the alleged offender may accept or decline the offer by giving notice to the Public Prosecutor within 21 days of the date on which the notice was issued;
 - (e) indicate that if the offer is declined, or no notice is served under paragraph (d) within the period mentioned in that paragraph, the alleged offender is liable to be prosecuted for the offences;
 - (f) indicate that if the offer is accepted—
 - (i) the alleged offender will be discharged from liability to be prosecuted for the offences; and
 - (ii) a prosecutorial fine notice will be issued to the offender under section 18; and
 - (g) state the effect of section 20(3) and (4).

Prosecutorial fine notice

18.—(1) Where a person has accepted the offer under section 17(1) or (2), the Public Prosecutor must issue a prosecutorial fine notice to that person.

(2) Where a person has accepted an offer under section 17(1), a “prosecutorial fine notice” is a notice which—

- (a) states the alleged offence;
- (b) gives such particulars of the circumstances alleged to constitute the offence as are necessary to provide reasonable information about it;
- (c) states the amount of the prosecutorial fine for the offence and each of the amounts referred to in paragraphs (a) and (b) of section 19(1) or (in the case of an offence falling within section 19(2)) each of the amounts referred to in paragraphs (a), (b) and (c) of section 19(2);
- (d) requires payment of the prosecutorial fine within the period allowed for payment (see subsection (4)); and
- (e) states the fines clerk to whom, and the address at which, the prosecutorial fine may be paid.

(3) Where a person has accepted an offer under section 17(2), a “prosecutorial fine notice” is a notice which—

- (a) states the alleged offences;
- (b) gives such particulars of the circumstances alleged to constitute the offences as are necessary to provide reasonable information about them;
- (c) states the amount of the prosecutorial fine for all the offences and each of the amounts referred to in paragraphs (a) and (b) of section 19(3) or (in a case where section 19(4) applies) each of the amounts referred to in paragraphs (a), (b) and (c) of section 19(4);
- (d) requires payment of the prosecutorial fine within the period allowed for payment (see subsection (4)); and
- (e) states the fines clerk to whom, and the address at which, the prosecutorial fine may be paid.

(4) The period allowed for payment of a prosecutorial fine is the period of 28 days beginning with the date on which the prosecutorial fine notice relating to that fine was issued.

(5) A Public Prosecutor who issues a prosecutorial fine notice must send a copy of that notice to the fines clerk mentioned in the notice under subsection (2) (e) or (3)(e).

Amount of prosecutorial fine

19.—(1) Except as provided by subsection (2), for the purposes of a notice under section 17(1) or 18(2), the amount of the prosecutorial fine in respect of any offence is the aggregate of—

- (a) such amount as the Public Prosecutor determines appropriate having regard to the circumstances of the offence; and
- (b) an offender levy of £10.

(2) In respect of an offence under Article 3(1) of the Criminal Damage (Northern Ireland) Order 1977, the amount of the prosecutorial fine for those purposes is the aggregate of—

- (a) such amount as the Public Prosecutor determines appropriate having regard to the circumstances of the offence;
- (b) an offender levy of £10; and
- (c) such amount (if any) as the Public Prosecutor determines appropriate to compensate any person in respect of any damage to the property of that person as a result of the offence.

(3) Except as provided by subsection (4), for the purposes of a notice under section 17(2) or 18(3), the amount of the prosecutorial fine in respect of all the offences is the aggregate of—

- (a) such amount as the Public Prosecutor determines appropriate having regard to the circumstances of the offences; and
- (b) an offender levy of £10.

(4) Where one or more of the offences is an offence under Article 3(1) of the Criminal Damage (Northern Ireland) Order 1977, the amount of the prosecutorial fine for those purposes is the aggregate of—

- (a) such amount as the Public Prosecutor determines appropriate having regard to the circumstances of the offences;
- (b) an offender levy of £10; and
- (c) such amount (if any) as the Public Prosecutor determines appropriate to compensate any person or persons in respect of any damage to their property as a result of the offence or offences.

(5) The amount determined under subsection (1)(a), (2)(a), (3)(a) or (4)(a) may not exceed the amount for the time being of level 1 on the standard scale.

(6) The amount determined under subsection (2)(c) or (4)(c) may not exceed the amount for the time being specified in Article 14(11) of the Criminal Justice (Northern Ireland) Order 1994 (maximum compensation under compensation order made by a magistrates' court).

(7) In section 6(3) of the Justice Act (Northern Ireland) 2011 (power to increase amount of offender levy) at the end add “and the amount specified in

section 19(1)(b), (2)(b), (3)(b) and (4)(b) of the Justice Act (Northern Ireland) 2015”.

Restrictions on prosecutions

20.—(1) Proceedings for the offence to which a notice under section 17(1) relates may not be brought before the end of the period of 21 days beginning with the date on which the notice was issued.

(2) If the offer in a notice under section 17(1) is accepted, no proceedings may be brought for the offence to which the notice relates.

(3) Proceedings for any of the offences to which a notice under section 17(2) relates may not be brought before the end of the period of 21 days beginning with the date on which the notice was issued.

(4) If the offer in a notice under section 17(2) is accepted, no proceedings may be brought for any of the offences to which the notice relates.