



2016 CHAPTER 21

PART 1

FINES AND OTHER PENALTIES: ENFORCEMENT

CHAPTER 1

Collection of Fines etc.

Default on payment

Arrest under warrant under section 10

11.—(1) This section applies where a debtor is arrested in reliance on a warrant issued under section 10.

(2) If the debtor enters into the recognizance specified in the endorsement to the warrant, it is not necessary for the debtor to be taken to a police station; and if the debtor is taken to a police station without having entered into the recognizance, he or she must be released from custody on entering into it.

(3) If the debtor enters into the recognizance, the hearing of the debtor's case under section 9 on the referral under section 6 or 8 is to take place at the time and place specified in accordance with provision made in the recognizance.

(4) If the debtor does not enter into the recognizance, the debtor must as soon as is practicable be brought before either a magistrates' court or the Crown Court, whichever is next sitting; and, pending that, the debtor may be kept in custody at a police station.

(5) If the debtor is brought before a magistrates' court and it is the responsible court in the debtor's case, it—

Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Section 11. (See end of Document for details)

- (a) must at that sitting hear the debtor's case under section 9 on the referral under section 6 or 8, or
 - (b) if it is not possible for the court to do so at that sitting, must adjourn the hearing on the referral to such time and place as it specifies and must remand the debtor in accordance with section 12.
- (6) If the debtor is brought before a magistrates' court but the Crown Court is the responsible court in the debtor's case, it must commit the debtor to the Crown Court in accordance with section 12.
- (7) If the debtor is brought before the Crown Court and it is the responsible court in the debtor's case, it—
- (a) must at that sitting hear the debtor's case under section 9 on the referral under section 6 or 8, or
 - (b) if it not possible for the court to do so at that sitting, must adjourn the hearing on the referral to such time and place as it specifies and must remand the debtor in accordance with section 12.
- (8) If the debtor is brought before the Crown Court but it is not the responsible court in the debtor's case, it must remit the debtor's case to the magistrates' court which is the responsible court and must remand the debtor in accordance with section 12.
- (9) Where a debtor has entered into the recognizance, the outstanding amount may, before the hearing on the referral of the debtor's case, be paid to the police or the court; and on the payment being made, the warrant ceases to have effect.
- (10) Where the debtor has not entered into the recognizance, the outstanding amount may, before the debtor is brought before the court under this section, be paid to the police or the court; and on the payment being made, the warrant ceases to have effect.
- (11) Where the debtor has been dealt with as mentioned in subsections (5) to (8) pending the hearing on the referral of the debtor's case, the outstanding amount may, before the hearing on the referral, be paid to the court.
- (12) The police, on receiving a payment under subsection (9) or (10), must send it to the court.
- (13) If, at the time of the commencement of this section, Part 1 of the Justice Act (Northern Ireland) 2015 (single jurisdiction for county courts and magistrates' courts) has yet to come into force, this section, pending the commencement of that Part, has effect as if after subsection (5) there were inserted—
- “(5A) If the debtor is brought before a magistrates' court but another magistrates' court is the responsible court in the debtor's case, it must adjourn the hearing on the referral to that other court at such time and place as it specifies and must remand the debtor in accordance with section 12.”.

Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Section 11. (See end of Document for details)

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Commencement Information

II S. 11 in operation at 1.6.2018 by S.R. 2018/99, art. 2(a)

Changes to legislation:

There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Section 11.