
STATUTORY INSTRUMENTS

1981 No. 1675

The Magistrates' Courts (Northern Ireland) Order 1981

PART IX

SATISFACTION AND ENFORCEMENT OF ORDERS

Sums adjudged to be paid by a conviction

Payment of sums adjudged to be paid by a conviction

91.—(1) Where a person has been adjudged to pay a sum by a conviction of a magistrates' court, the court may, subject to Article 93, order that person to pay that sum forthwith, allow time for payment or order payment by instalments.

(2) The court shall consider any representations made by such person as to the time to be allowed under paragraph (1) but that time shall not be less than twenty-eight days commencing with the day on which the sum is adjudged to be paid.

(3) Where the person ordered to pay the sum makes an application for permission to pay the sum by instalments the court shall allow such payment unless the court is satisfied that it would not be reasonable in all the circumstances to do so.

(4) The court may, on the application of the person ordered to pay the sum, allow further time for payment or vary an order for payment by instalments [F¹, unless there is a collection order in relation to the sum] .

(5) Subject to paragraph (7), the court may in determining an application under paragraph (4) remit the whole or any part of the sum if the court thinks it just to do so having regard to any change in the circumstances of that person since the conviction, and where the court remits part of the sum after a period of imprisonment has been imposed in default of payment, the court shall also reduce that period by an amount which bears the same proportion to that period as the amount remitted bears to that sum.

(6) In calculating the reduction required under paragraph (5) any fraction of a day shall be left out of account.

(7) In considering whether to remit under paragraph (5) the whole or any part of—

(a) a sum to which section 143(3) of the Social Security (Northern Ireland) Act 1975^{F2} applies; or

(b) any compensation awarded to any person;

a magistrates' court shall take into account the representations (if any) made to it—

(i) in the case of a sum mentioned in sub-paragraph (a), by the Department of Health and Social Services;

(ii) in the case of any compensation, by the person to whom the compensation was awarded.

(8) Where before the expiration of the time allowed or of the period during which payment by instalments is allowed the person ordered to pay the sum indicates that he prefers immediate

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committal to awaiting the expiration of the time allowed for payment of the sum or of the remaining instalments, a warrant may be issued committing him to prison forthwith.

[^{F3}(9) Paragraph (8) does not apply in the case of a child except where committal would be permitted in reliance on Article 46C of the Criminal Justice (Children) (Northern Ireland) Order 1998.]

- F1** Words in art. 91(4) inserted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), **Sch. 2 para. 3(2)**; S.R. 2018/99, art. 2(c)
- F2** 1975 c. 15
- F3** Art. 91(9) inserted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), **ss. 30(8)**, 61(2) (with s. 30(12)); S.R. 2018/99, art. 2(a)

Enforcing payment of a sum adjudged to be paid by a conviction

92.—(1) Subject to this Article and Article 93, where default is made by a person in paying a sum adjudged to be paid by a conviction or any instalment of or part of such sum the order of the court may be enforced by the issue of—

- (a) a warrant of distress for the purpose of levying so much of the sum as remains unpaid; or
- (b) a warrant committing that person to prison; or
- (c) a warrant committing him to prison in default of sufficient distress.

[^{F4}(1A) A warrant of distress shall not be issued under paragraph (1)(a) at the time of sentencing of the person concerned.]

(2) Where it appears on the return to a warrant of distress that the money and goods of the defaulter are insufficient to satisfy the sum together with the cost of levying the sum, the court may issue a warrant of commitment.

(3) Where the court has issued a warrant of commitment in the first instance in default of payment of the sum and it is found impossible to execute the warrant, a warrant of distress may be issued.

(4) Where a court has allowed payment of the sum by instalments and default is made in the payment of any one instalment, a warrant may be issued as if the default had been made in the payment of all the instalments then unpaid [^{F5}; but this does not apply where there is a collection order in relation to the sum] .

(5) The period for which a person may be committed to prison under this Article in default of payment or levy of any sum or part of such sum shall not exceed the period specified in Schedule 3.

[^{F6}(6) This Article does not apply to a child, except where committal would be permitted in reliance on Article 46C of the Criminal Justice (Children) (Northern Ireland) Order 1998.]

- F4** Art. 92(1A) inserted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), **ss. 31(2)**, 61(2); S.R. 2018/99, art. 2(a)
- F5** Words in art. 92(4) inserted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), **Sch. 2 para. 3(3)**; S.R. 2018/99, art. 2(c)
- F6** Art. 92(6) inserted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), **ss. 30(9)**, 61(2) (with s. 30(12)); S.R. 2018/99, art. 2(a)

Modifications etc. (not altering text)

- C1** Art. 92 modified (1.10.2009) by Criminal Justice and Immigration Act 2008 (c. 4), **ss. 89(1)-(4)**, 153(4)(d); S.I. 2009/2606, **art. 2(j)**

Changes to legislation: The Magistrates' Courts (Northern Ireland) Order 1981, Cross Heading: Sums adjudged to be paid by a conviction is up to date with all changes known to be in force on or before 27 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F7}Fines imposed on companies

92A.—(1) Where—

- (a) a magistrates' court has, or is treated by any statutory provision as having, adjudged a company by a conviction to pay a sum; and
- (b) the court has issued a warrant of distress under Article 92(1)(a) for the purpose of levying the sum; and
- (c) it appears on the return to the warrant that the money and goods of the company are insufficient to satisfy the sum with the costs and charges of levying the same,

the clerk of petty sessions may make an application in relation to the company under [^{F8}Article 104 of, or paragraph 13 of Schedule B1 to, the Insolvency (Northern Ireland) Order 1989 (winding up or administration)].]

[^{F9}(1A) In a case where there is a collection order, the power to make the application referred to in paragraph (1) is instead exercisable by the collection officer responsible for securing compliance with the order.]

F7 1994 NI 15

F8 Words in art. 92A(1) substituted (27.3.2006) by [Insolvency \(Northern Ireland\) Order 2005 \(S.I. 2005/1455 \(N.I. 10\)\)](#), arts. 1(3), 3(3), Sch. 2 para. 11; S.R. 2006/21, **art. 2** (with S.R. 2006/22, **arts. 2-7**)

F9 [Art. 92A\(1A\)](#) inserted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\)](#), s. 61(2), **Sch. 2 para. 3(4)**; S.R. 2018/99, art. 2(c)

Modifications etc. (not altering text)

C2 [Art. 92A](#) applied (with modifications) (8.2.2011) by [Investment Bank Special Administration Regulations 2011 \(S.I. 2011/245\)](#), regs. 1, 8(7), 9, 15, 16-21, 24-26, **Schs. 1-5**

Restrictions on power to order immediate committal in default of payment of a sum adjudged to be paid by a conviction

93.—[^{F10}(1)] A warrant committing a person to prison in respect of non-payment of a sum adjudged to be paid by a conviction of a magistrates' court shall not be issued at the time of his conviction unless—

- (a) he appears to the court to have sufficient means to pay the sum forthwith; or
- (b) on being asked by the court whether he wishes to have time for payment he does not ask for time; or
- (c) the court is satisfied that he has no fixed abode in Northern Ireland; or
- (d) there is some other special circumstance appearing to the court to justify immediate committal;

and if the court does issue a warrant of commitment, the court shall state in the warrant the reasons for not allowing the person committed time to pay.

[^{F11}(2) This Article does not apply where the person is a child.]

F10 [Art. 93\(1\)](#): renumbered from art. 93 (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\)](#), **ss. 30(10)**, 61(2) (with s. 30(12)); S.R. 2018/99, art. 2(a)

F11 [Art. 93\(2\)](#) inserted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\)](#), **ss. 30(10)**, 61(2) (with s. 30(12)); S.R. 2018/99, art. 2(a)

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Supervision of person under twenty-one until payment of sum adjudged to be paid by a conviction

^{F12}94.

F12 Art. 94 repealed (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), ss. 30(11), 61(2) (with s. 30(12)); S.R. 2018/99, art. 2(a)

Power to order transfer of fines

95.—(1) Where a magistrates' court has, or is treated by any statutory provision as having, adjudged a person by a conviction to pay a sum and it appears to the court that he is residing—

- (a) in any petty sessions area in England and Wales, or
- (b) within the jurisdiction of a court of summary jurisdiction in Scotland,

the court may order that payment of the sum shall be enforceable in that petty sessions area or, as the case may be, by that court of summary jurisdiction.

(2) An order under this Article shall specify the petty sessions area in which or the court by which payment of the sum in question is to be enforceable; and if—

- (a) that sum is more than £100 or is a fine originally imposed by the Crown Court or the sheriff court, and
- (b) payment is to be enforceable in Scotland,

the court to be so specified shall be the sheriff court.

(3) Where an order is made under this Article with respect to any sum, any functions under any statutory provision relating to that sum which, if no such order had been made, would have been exercisable by the court which made the order or by the clerk of that court shall cease to be so exercisable.

Modifications etc. (not altering text)

- C3** Art. 95 modified (1.10.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 89(1)(5), 153(4)(d) (as amended (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), Sch. 18 para. 89 (with arts. 28-31); S.I. 2010/977, art. 1(2)); S.I. 2009/2606, art. 2(j)
- C4** Art. 95 applied (6.3.2015) by The Sea Fishing (Enforcement and Miscellaneous Provisions) Order 2015 (S.I. 2015/191), arts. 1(1), 3(4)

Transfer of fines elsewhere in United Kingdom

96.—(1) Where a transfer of fine order under section 403 of the Criminal Procedure (Scotland) Act 1975^{F13} or section 90 of the Magistrates' Courts Act 1980^{F14} provides that payment of a sum shall be enforceable^{F15}... in Northern Ireland, a court of summary jurisdiction^{F15}... and the clerk of that court shall, subject to paragraph (2), have all the like functions under any statutory provision in respect of the sum (including power to make an order under Article 95) as if the sum were a sum adjudged to be paid by a conviction of that court and as if any order made under the said Act of 1975 or, as the case may be, 1980 in respect of the sum before the making of the transfer of fine order had been made by that court.

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[^{F16}(1A) The clerk of a court of summary jurisdiction acting for the district in question must refer the transfer of fine order to a district judge (magistrates' courts) for the judge to consider whether to make a collection order; and the order may be made without a court hearing.

(1B) The duty under paragraph (1A) applies whether or not a collection order under Schedule 5 to the Courts Act 2003 or an enforcement order under section 226B of the Criminal Procedure (Scotland) Act 1995 has been made in relation to the sum to which the transfer of fine order relates.]

(2) Where a transfer of fine order under section 403 of the Criminal Procedure (Scotland) Act 1975 or section 90 of the Magistrates' Courts Act 1980 provides for the enforcement of a fine originally imposed by the Crown Court, the term of imprisonment which may be imposed under this Order shall be—

- (a) the term fixed in pursuance of section 31 of the Powers of Criminal Courts Act 1973 by the Crown Court, or
- (b) a term which bears the same proportion to the term so fixed as the amount of the fine remaining due bears to the amount imposed by that court,

notwithstanding that the term exceeds the period applicable to the case under Schedule 3.

F13 1975 c. 21

F14 1980 c. 43

F15 Words in art. 96(1) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 86(20), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F16 Art. 96(1A)(1B) inserted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), **Sch. 2 para. 3(5)**; S.R. 2018/99, art. 2(c)

Changes to legislation:

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Changes and effects yet to be applied to :

- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) arts.3\(4\)25](#)
- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.3\(5\)Sch.1](#)
- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.5\(2\)](#)
- Instrument mod (prosp) by [1994 c. 33 s. 91\(3\)](#)
- Instrument revoked by [1998 c. 41 s.74\(1\)\(3\)Sch.12 para.5Sch.14 Pt.I](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act amended by [1996 c. 25 s.79Sch.4 para 30](#)
- Act amended by [1996 c. 25 s.79Sch.4 para 30](#)
- Order applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2018/1125](#), reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- Order power to modify conferred by [2015 c. 9 \(N.I.\) s. 24\(5\)\(a\)](#) (see [s 24\(6\)](#))

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [Sch.6 Pt.I paras.1819](#) revoked by [1995 c. 21 s. 314\(1\)Sch.12](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch.6 Pt.I para.5](#) revoked by [S.I. 1995/756 art.15Sch.](#)
- [Sch. 6 para. 128-130](#) repealed by [2011 c. 15 \(N.I.\) Sch. 3 Pt. 2](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 125](#) repealed by [2011 c. 16 \(N.I.\) Sch. 5](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 Pt. 3 para. 170](#) repealed by [S.I. 2007/916 \(N.I.\) Sch. 8 Pt. 1](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 144](#) repealed by [2006 c. 48 Sch. 15 Pt. 4](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 21](#) repealed by [2013 c. 22 Sch. 11 para. 210](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 25](#) repealed by [2013 c. 22 Sch. 11 para. 210](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [art. 29A](#) excluded by [1975 c. 59, s. 4\(3\)](#) (as substituted) by [2015 c. 9 \(N.I.\) s. 7\(6\)](#)
- [art. 29A](#) inserted by [2015 c. 9 \(N.I.\) s. 7\(2\)](#)
- [art. 34\(1A\)-\(1E\)](#) inserted by [2015 c. 9 \(N.I.\) s. 8\(2\)](#)
- [art. 140\(2ZA\)](#) inserted by [2016 c. 18 \(N.I.\) Sch. 10 para. 16](#)