
STATUTORY INSTRUMENTS

1984 No. 703

The Fines and Penalties (Northern Ireland) Order 1984

Offences punishable on summary conviction only

The standard scale of fines **N.I.**

5.—(1) There shall be a standard scale of fines for offences punishable on summary conviction only which shall be known as “the standard scale”.

[^{F1}(2) The standard scale is shown below—

<i>[^{F1}Level on the scale]]</i>	<i>[^{F1}Amount of fine]</i>
[^{F1} 1]	[^{F1} £200]
[^{F1} 2]	[^{F1} £500]
[^{F1} 3]	[^{F1} £1,000]
[^{F1} 4]	[^{F1} £2,500]
[^{F1} 5]	[^{F1} £5,000]

(3) Where any relevant provision—

- (a) provides that a person convicted of an offence punishable on summary conviction only shall be liable to a fine or a maximum fine by reference to a specified level on the standard scale; or
- (b) confers power by instrument to make a person liable on conviction of an offence punishable on summary conviction only (whether or not created by the instrument) to a fine or maximum fine by reference to a specified level on the standard scale.

it is to be construed as referring to the standard scale for which this Article provides as that standard scale has effect by virtue either of this Article or of an order under Article 17;^{F1} . . .

(4) Where—

- (a) either—
 - (i) a relevant provision makes a person liable to a fine or maximum fine on conviction of an offence punishable on summary conviction only; or
 - (ii) a relevant provision confers power by instrument to make a person liable to a fine or maximum fine on conviction of an offence punishable on summary conviction only (whether or not created by the instrument); and
- (b) the amount of the fine or maximum fine for the offence is, whether by virtue of this Order or not, an amount shown in the second column of the standard scale,

a reference to the level in the first column of the standard scale corresponding to that amount shall be substituted for the reference in the provision to the amount of the fine or maximum fine.

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(5) Where a relevant provision confers a power such as is mentioned in paragraph (4)(a)(ii), the power shall be construed as a power to make a person liable to a fine or, as the case may be, a maximum fine not exceeding the amount corresponding to the level on the standard scale to which the provision refers by virtue of paragraph (4) or not exceeding a lesser amount.

(6) If an order under Article 17 alters the sums specified in paragraph (2), the second reference to the standard scale in paragraph (4) is to be construed as a reference to that scale as it has effect by virtue of the order.

(7) Subject to paragraph (8), in this Article “relevant provision” means a provision contained in—

- (a) an Act of the Parliament of the United Kingdom;
- (b) an Act of the Parliament of Ireland;
- (c) an Act of the Parliament of Northern Ireland;
- (d) an Order in Council under section 1(3) of the Northern Ireland (Temporary Provisions) Act 1972; or
- (e) an Order in Council under Schedule 1 to the Northern Ireland Act 1974 (including this Order);

being such an Act or Order (other than this Order) passed or made—

- (i) before this Order is made; or
- (ii) in the case of an Act, in the same Session of Parliament; or
- (iii) in the case of an Order, in the same calendar year.

Para.(8) rep. by 1986 NI 9

(9) This Article shall not affect so much of any relevant provision as (in whatever words) makes a person liable on summary conviction to a maximum fine not exceeding a specified amount for each period of a specified length during which a continuing offence is continued.

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General increase of fines for offences under Acts and Orders **N.I.**

6.—(1) Subject to Articles 7(1) and 16, for any offence to which this Article applies, being an offence under a relevant provision, the fine or maximum fine which may be imposed on conviction shall be increased to the amount at the appropriate level on the standard scale unless the offence is one for which Article 7(2) provides some other increase.

(2) Where a relevant provision provides for any offence to which this Article applies a fine or maximum fine in respect of a specified quantity or a specified number of things—

- (a) that fine or maximum fine shall be treated for the purposes of this Article as being the fine or maximum fine for the offence; and
- (b) where that provision also specifies an alternative fine or maximum fine, paragraph (1) shall have effect to increase—
 - (i) the alternative fine; and
 - (ii) any amount that the provision specifies as the maximum which a fine under it may not exceed.

(3) Subject to paragraphs (4) and (5), the appropriate level on the standard scale for the purposes of paragraphs (1) and (2) is the level on that scale next above the amount of the fine or maximum fine that falls to be increased.

(4) If the amount of the fine or maximum fine that falls to be increased is £400 or more but less than £500, the appropriate level is £1,000.

(5) Except in respect of—

- (a) an offence created by an Act of the Parliament of the United Kingdom passed before 1st January 1949 for which the fine has been altered on or after that date; or
- (b) an offence created by such an Act passed on or after that date;

if the amount of the fine or maximum fine that falls to be increased is £20 or more but less than £25, the appropriate level is £50.

(6) Where Article 9 applies, the amount of the fine or maximum fine that falls to be increased is to be taken to be the fine or maximum fine to which a person is liable by virtue of that Article.

(7) This Article shall not affect so much of any relevant provision as (in whatever words) makes a person liable on summary conviction to a fine or maximum fine for each period of a specified length during which a continuing offence is continued.

(8) Where a relevant provision provides for any offence to which this Article applies different fines or maximum fines in relation to different circumstances or persons of different descriptions, they are to be treated separately for the purposes of this Article.

(9) This Article applies to any offence punishable on summary conviction only which—

- (a) makes a person liable on conviction to a fine or maximum fine which is less than £1,000; and
- (b) in the case of an offence under a provision contained in an Act of the Parliament of the United Kingdom was created not later than 29th July 1977 and for which the fine or maximum fine has not been altered since that date or has only been altered since that date by Article 9.

(10) In this Article “relevant provision” means a provision contained in—

- (a) an Act of the Parliament of the United Kingdom;
- (b) an Act of the Parliament of Ireland;
- (c) an Act of the Parliament of Northern Ireland;
- (d) an Order in Council under section 1(3) of the Northern Ireland (Temporary Provisions) Act 1972; or
- (e) an Order in Council under Schedule 1 to the Northern Ireland Act 1974;

being such an Act or Order passed or made—

- (i) before this Order is made; or
- (ii) in the case of an Act, in the same Session of Parliament.

Special cases **N.I.**

7.—(1) Article 6 does not apply to any statutory provision specified in Schedule 2.

(2) The statutory provisions specified in column 1 of Schedule 3 shall have effect as if the maximum fine that may be imposed on conviction of any offence mentioned in column 2 of that Schedule were a fine not exceeding the amount specified in column 4 of that Schedule instead of a fine not exceeding the amount specified in column 3 of that Schedule.

(3) The statutory provisions specified in column 1 of Schedule 4 shall have effect as if the maximum fine that may be imposed under any provision mentioned in column 2 of that Schedule on a person otherwise than on conviction of an offence were a fine not exceeding the amount specified in column 4 of that Schedule instead of a fine not exceeding the amount specified in column 3 of that Schedule.

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General increase of fines for offences under instruments **N.I.**

8.—(1) Where there is under any relevant provision (however framed or worded) a power by instrument to create any offence to which this Article applies, the fine or maximum fine which may in the exercise of that power be authorised on conviction of such an offence shall be increased to the amount at the appropriate level on the standard scale.

(2) Where a relevant provision confers a power by instrument to authorise, with respect to the creation of any offence to which this Article applies, a fine or maximum fine in respect of a specified quantity or a specified number of things—

- (a) that fine or maximum fine shall be treated for the purposes of this Article as being the fine or maximum fine which an instrument made in exercise of the power conferred by it may authorise; and
- (b) where that provision also confers a power by instrument to authorise, as regards the creation of such an offence, an alternative fine or maximum fine, paragraph (1) shall have effect to increase—
 - (i) the alternative fine; and
 - (ii) any amount that the provision specifies as the maximum fine which an instrument made in the exercise of the power conferred by it may authorise.

(3) Subject to paragraph (4) and (5), the appropriate level of the standard scale for the purposes of paragraphs (1) and (2) is the level on that scale next above the amount of the fine or maximum fine that falls to be increased.

(4) If the amount of the fine or maximum fine that falls to be increased is £400 or more but less than £500, the appropriate level is £1,000.

(5) Except in respect of—

- (a) a power by instrument to create an offence contained in an Act of the Parliament of the United Kingdom passed before 1st January 1949 which authorises in the exercise of that power a fine which has been altered on or after that date; or
- (b) a power by instrument to create an offence contained in such an Act passed on or after that date;

if the amount of the fine or maximum fine that falls to be increased is £20 or more but less than £25, the appropriate level is £50.

(6) Where Article 10 applies, the amount of the fine or maximum fine that falls to be increased is the fine or maximum fine to which a person may be made liable by virtue of that Article.

(7) This Article shall not affect so much of any relevant provision as (in whatever words) confers power by instrument to make a person liable on conviction to a fine or maximum fine for each period of a specified length during which a continuing offence is continued.

(8) Where a relevant provision confers a power by instrument to authorise, with respect to the creation of any offence to which this Article applies, different fines or maximum fines in relation to different circumstances or persons of different descriptions, the amounts specified as those fines or maximum fines are to be treated separately for the purposes of this Article.

(9) The Article applies to any offence punishable on summary conviction only which makes a person liable on conviction to a fine or maximum fine which is less than £1,000.

(10) Subject to paragraph (11), “relevant provision” has the same meaning as in Article 6.

(11) A provision contained in an Act of the Parliament of the United Kingdom which confers a power, created after 29th July 1977, by instrument to create any offence to which this Article applies or such a provision which confers such a power created not later than that date where the fine or maximum fine authorised to be imposed in the exercise of the power has been altered since that date (otherwise than by Article 10) is not a relevant provision for the purposes of this Article.

Changes to legislation:

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Changes and effects yet to be applied to :

- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.26\(1\)Sch.2 para 11](#)
- Instrument am (prosp) by [1994 c. 33 s. 157\(8\)](#)
- Instrument rev. in pt. (saving) (prosp.) by [1998 c. 32 s.74\(2\)\(3\)Schs.56](#)

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

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

- [art.4\(6\) rev \(prosp\) by S.I. 1994/2795 \(N.I.\) art.26\(2\)Sch.3](#)
- [arts.11131517\(2\)\(f\)\(7\)Sch.2 paras 3891112242829Sch.6 para 2 rev \(prosp\) by S.I. 1994/2795 \(N.I.\) art.26\(2\)Sch.3](#)