
STATUTORY INSTRUMENTS

1996 No. 3160

The Criminal Justice (Northern Ireland) Order 1996

PART II

TREATMENT OF OFFENDERS

Financial penalties

Fixing of fines

29.—(1) Before fixing the amount of any fine to be imposed on an offender who is an individual, a court shall inquire into his financial circumstances.

(2) The amount of any fine fixed by a court shall be such as, in the opinion of the court, reflects the seriousness of the offence.

(3) In fixing the amount of any fine to be imposed on an offender (whether an individual or other person), a court shall take into account the circumstances of the case including, among other things, the financial circumstances of the offender so far as they are known, or appear, to the court.

(4) Where—

(a) an offender has been convicted in his absence in pursuance of Article 23 or 24 of the Magistrates' Courts (Northern Ireland) Order 1981 (non-appearance of accused), or

(b) an offender—

(i) has failed to comply with an order under Article 30(1); or

(ii) has otherwise failed to co-operate with the court in its inquiry into his financial circumstances,

and the court considers that it has insufficient information to make a proper determination of the financial circumstances of the offender, it may make such determination as it thinks fit.

(5) Paragraph (3) applies whether taking into account the financial circumstances of the offender has the effect of increasing or reducing the amount of the fine.

(6) The amendments made by Schedule 3 shall have effect.

Statements as to offenders' means

30.—(1) Where an individual has been convicted of an offence the court may, before sentencing him, make a financial circumstances order with respect to him.

(2) Where a magistrates' court has been notified in accordance with Article 24(4) of the Magistrates' Courts (Northern Ireland) Order 1981 that an individual desires to plead guilty without appearing before the court, the court may make a financial circumstances order with respect to him.

(3) In this Article “a financial circumstances order” means, in relation to any individual, an order requiring him to give to the court, to within such period as may be specified in the order, such a statement of his financial circumstances as the court may require.

(4) An individual who without reasonable excuse fails to comply with a financial circumstances order shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

False statements as to financial circumstances

31.—(1) If an individual in furnishing a statement in pursuance of a financial circumstances order under Article 30 or a person who is charged with an offence in furnishing a statement of his financial circumstances in response to an official request—

- (a) makes a statement which he knows to be false in a material particular;
- (b) recklessly furnishes a statement which is false in a material particular; or
- (c) knowingly fails to disclose any material fact,

he shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 4 on the standard scale or to both.

(2) For the purposes of this Article an official request is a request which—

- (a) is made by the clerk of petty sessions or the chief clerk, as the case may be; and
- (b) is expressed to be made for informing the court, in the event of his being convicted, of his financial circumstances for the purpose of determining the amount of any fine the court may impose.

(3) Proceedings in respect of an offence under this Article may, notwithstanding anything in Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981 (limitation of time), be commenced at any time within 2 years from the date of the commission of the offence or within 6 months from its first discovery by the prosecution, whichever period expires the earlier.

Remission of fines

32.—(1) This Article applies where a court has, in fixing the amount of a fine, determined the offender's financial circumstances under Article 29(4).

(2) If, on subsequently inquiring into the offender's financial circumstances, the court is satisfied that had it had the results of that inquiry when sentencing the offender it would—

- (a) have fixed a smaller amount; or
- (b) not have fined him,

it may remit the whole or any part of the fine.

(3) Where under this Article the court remits the whole or part of a fine after a term of imprisonment has been fixed under Article 92(1)(b) of the Magistrates' Courts (Northern Ireland) Order 1981 (issue of warrant of commitment for default) or section 35 of the Criminal Justice Act 1945 (powers of Crown Court or county court in relation to fines), it shall reduce the term by the corresponding proportion.

(4) In calculating any reduction required by paragraph (3), any fraction of a day shall be ignored.