

## **EXPLANATORY MEMORANDUM TO**

### **The Enforcement of Fines and Other Penalties (Revocations) Order (Northern Ireland) 2018**

#### **S.R. 2018 No. 100**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 28 of the Justice Act (Northern Ireland) 2016 ("the Act") and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. The Statutory Rule is one of a number of instruments made to support the commencement of Part 1 of the Act which makes new provision in relation to the enforcement of fines and other penalties.
- 2.2. The Statutory Rule revokes the Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997 ("the 1997 Regulations") and the Penalty Notices (Justice Act (Northern Ireland) 2011) (Enforcement of Fines) Regulations (Northern Ireland) 2012 ("the 2012 Regulations") in consequence of Part 1 of the Act.

#### **3. Background**

- 3.1. Where a fixed penalty or penalty notice is unpaid it can be registered for enforcement as if it were a fine. The 1997 and 2012 Regulations make provision in relation to the procedures to be followed on the registration of such penalties.
- 3.2. Part 1 of the Act introduces new arrangements for the collection and enforcement of financial penalties, including those which are treated as fines for the purpose of enforcement.
- 3.5. Other Statutory Rules made by the Department of Justice and the Department for Communities make provision in relation to the arrangements and procedures to be followed under Part 1 of the Act.
- 3.6. The 1997 and the 2012 Regulations which are revoked by the Statutory Rule detailed above are no longer required as the new arrangements supersede their provisions.

#### **4. Consultation**

- 4.1. No external consultation on the Statutory Rule was considered necessary as it simply removes provisions which are no longer required in consequence of the new provisions.
- 4.2. The Department of Justice completed a public consultation entitled "Fine Collection and Enforcement" in 2014, and the provisions of Part 1 of the Act were then consulted upon in the form of the Justice Committee's call for evidence during Committee Stage of the Act's passage through the Assembly.

#### **5. Equality Impact**

- 5.1. The provisions of the Statutory Rule are minor and technical in their nature and do not give rise to any equality concerns.
- 5.2. The underlying policy was screened before the making of the primary legislation. No adverse impacts for any of the nine categories in section 75 of the Northern Ireland Act 1998 were identified.

## **6. Regulatory Impact**

- 6.1. A Regulatory Impact Assessment is not considered necessary. There will be no impact on businesses, charities or voluntary bodies.

## **7. Financial Implications**

- 7.1. None.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The Department has considered its obligations under section 24 of the Northern Ireland Act 1998 and is satisfied that the Order is not incompatible with the Convention rights; is not incompatible with European Union law; does not discriminate against a person or class of person on the grounds of religious belief or political opinion; and does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

## **9. EU Implications**

- 9.1. None.

## **10. Parity or Replicatory Measure**

- 10.1. The provisions of the Statutory Rule are not necessary for parity elsewhere.

## **11. Additional Information**

- 11.1. It is intended that the Statutory Rule will come into operation on 1 June 2018 along with the other instruments related to Part 1 of the Act.