

2018 No. 102

JUSTICE

PROCEDURE

**The Enforcement of Fines and Other Penalties Regulations
(Northern Ireland) 2018**

Made - - - -

23rd April 2018

Coming into operation -

1st June 2018

The Department of Justice makes the following Regulations in exercise of the powers conferred by sections 6(12), 15(2), 18(4) and (6), 19(2) and (3), 20(5) and (6), 21(3), 22(4) and (7), 23(1), (7) and (8) and 60 of, and paragraphs 4, 7(5) and (6) and 10 of Schedule 1 to the Justice Act (Northern Ireland) 2016(a).

PART 1

INTRODUCTORY

Citation and commencement

1. These Regulations may be cited as the Enforcement of Fines and Other Penalties Regulations (Northern Ireland) 2018 and shall come into operation on the 1st June 2018.

Interpretation

2. In these Regulations—

“the Act” means the Justice Act (Northern Ireland) 2016;

“the Department” means the Department of Justice;

“proper officer” means—

(a) if the responsible court is the Crown Court, the chief clerk; or

(b) if the responsible court is a magistrates’ court, the clerk of petty sessions.

PART 2

APPLICATIONS FOR DEDUCTION FROM BENEFITS

Content of application for deduction from benefits

3. An application for deduction from benefits made under section 6(3)(a) or in accordance with an order made under section 4(1)(a) or 9(1)(c) of the Act shall specify—

- (a) the unique case reference number;
- (b) the debtor's full name;
- (c) the debtor's address;
- (d) the debtor's national insurance number;
- (e) the debtor's date of birth; and
- (f) the amount to which the application relates.

Notification of payment

4. Where the amount to which the application relates has been paid in full, the court shall notify the Department for Communities^(a) and the debtor accordingly, in writing, as soon as is practicable.

PART 3

ATTACHMENT OF EARNINGS ORDERS

Interpretation of this Part

5. In this Part—

“appropriate authority” means the responsible court or the collection officer as the case may be;

“earnings” has the meaning given in regulation 6;

“net earnings” means the residue of earnings after deduction of—

- (a) income tax;
- (b) primary Class 1 contributions under Part 1 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992^(b);
- (c) amounts deductible by way of contributions to a superannuation scheme which provides for the payment of annuities or lump sums—
 - (i) to the debtor on retirement at a specified age or on becoming incapacitated at some earlier age; or
 - (ii) on the debtor's death or otherwise, to the debtor's personal representative, widow, widower, surviving civil partner, relatives or dependants;

“pay-day” means an occasion on which earnings are paid to the debtor or the day on which such earnings would normally fall to be paid;

“protected earnings proportion” is 60 per cent of the debtor's net earnings during the period to which a deduction from the debtor's earnings under the Act relates, as calculated by the employer on the applicable pay-day.

(a) 2016 c.5 (N.I.), section 1(7); the Department for Communities was formerly known as the Department for Social Development

(b) 1992 c.7

Meaning of “earnings”

6.—(1) In sections 6(12) and 18 of the Act and in this Part, subject to paragraph (2), “earnings” are any sums payable to a person by way of—

- (a) wages or salary (including any fees, bonus, commission, overtime pay or other emoluments payable in addition to wages or salary or payable under a contract of service);
- (b) pension (including any annuity in respect of past services, whether or not rendered to the person paying the annuity, and including periodical payments by way of compensation for the loss, abolition or relinquishment, or diminution in the emoluments, of any office or employment); or
- (c) statutory sick pay.

(2) None of the following shall be treated as earnings—

- (a) sums payable by any public department of a territory outside the United Kingdom;
- (b) pay or allowances payable to the debtor as a member of Her Majesty’s forces other than pay or allowances payable by an employer to that person as a special member of a reserve force (within the meaning of the Reserve Forces Act 1996(a));
- (c) pensions, allowances or benefits payable under any statutory provision relating to social security;
- (d) pensions or allowances payable in respect of disablement or disability;
- (e) guaranteed minimum pension within the meaning of the Pension Schemes (Northern Ireland) Act 1993(b);
- (f) working tax credit payable under section 10 of the Tax Credits Act 2002(c);
- (g) sums paid to reimburse expenses wholly and necessarily incurred in the course of the employment.

Statement of earnings

7.—(1) A direction given under section 19(2) of the Act shall require the debtor to provide, in addition to the information required under section 19(2)(a), the following information—

- (a) the debtor’s national insurance number;
- (b) the debtor’s payroll number, if any;
- (c) details of the debtor’s current and expected net earnings;
- (d) details of any other income received by the debtor;
- (e) details of any savings held by the debtor;
- (f) details of the debtor’s housing costs, if any, including, in particular, payments made in respect of rent or mortgage, rates, electricity and heating;
- (g) details of the debtor’s expenditure on groceries;
- (h) details of any loan repayments made by the debtor;
- (i) the number of the debtor’s dependants, and details of any special financial needs they may have;
- (j) details of any childcare costs incurred by the debtor; and
- (k) details of any existing attachment of earnings order, direct earnings attachment or deduction from benefits in respect of the debtor.

(2) A direction given under section 19(3) of the Act shall require the employer to provide details of—

(a) 1996 c.14
(b) 1993 c.49
(c) 2002 c.21

- (a) the debtor's current and expected net earnings; and
- (b) any existing attachment of earnings order or direct earnings attachment being paid by the employer in respect of the debtor.

(3) For the purposes of section 19(2) and 19(3) of the Act, the specified period is 14 days from the date of the direction.

Content of attachment of earnings order

8. An attachment of earnings order shall be in Form 1 as set out in Schedule 1 and shall specify—

- (a) the unique case reference number;
- (b) the debtor's full name;
- (c) the debtor's address;
- (d) the debtor's national insurance number;
- (e) the name and address of the employer to whom the order is directed;
- (f) if known, the debtor's payroll number;
- (g) the full amount to be recovered from the debtor's earnings;
- (h) the rate at which amounts are to be deducted from the debtor's earnings, in accordance with regulation 9;
- (i) the protected earnings proportion; and
- (j) how to make payments.

Rate of deductions

9. The rate at which amounts are to be deducted from the debtor's earnings under an attachment of earnings order, or any variation of it, is—

- (a) where the earnings are payable weekly, the percentage of the debtor's earnings specified in column 2 of Table A in Schedule 2 opposite the band in column 1 of that Table within which the net earnings payable on the pay-day fall;
- (b) where the earnings are payable monthly, the percentage of the debtor's earnings specified in column 2 of Table B in Schedule 2 opposite the band in column 1 of that Table within which the net earnings payable on the pay-day fall; or
- (c) a higher weekly or monthly rate than that which would be payable under paragraph (a) or (b), as agreed between the appropriate authority and the debtor.

Service of attachment of earnings order

10. The collection officer shall serve an attachment of earnings order on the employer and a copy on the debtor as soon as is practicable.

Applications to determine whether payments are earnings

11.—(1) An application under paragraph 3 of Schedule 1 to the Act to determine whether payments are earnings shall be made in writing and a copy shall be served by the applicant on the employer or the debtor as the case may be.

(2) The responsible court may—

- (a) determine the application without a hearing; or
- (b) direct a hearing at which the employer and the debtor may be present and be heard.

(3) Where the responsible court directs a hearing under paragraph (2), the proper officer shall notify the employer and the debtor of the time, date and place of the hearing.

(4) The proper officer shall, as soon as is practicable, notify the employer and the debtor of the court's decision.

Compliance with attachment of earnings order

12.—(1) Subject to the following provisions of this regulation, where the employer has received an attachment of earnings order from the appropriate authority, the employer shall, each pay-day, make a deduction in accordance with the order from the net earnings which the employer would otherwise pay to the debtor on that pay-day.

(2) Where any amount calculated under the order results in a fraction of a penny, that fraction is to be disregarded.

(3) Subject to paragraphs (4) to (6), where on any pay-day the employer fails to deduct an amount in accordance with the order or deducts an amount less than the amount there specified, the employer shall—

- (a) contact the collection officer to give reasons; and
- (b) on the next pay-day, first deduct the amount required to be deducted under the order for that pay-day, and then the amount which should have been deducted on the previous pay-day or the difference between that amount and the amount which was deducted.

(4) If deductions under paragraph (3)(b) would result in the employer paying the debtor an amount below the protected earnings proportion, then the employer shall deduct only such amount as will result in the debtor being paid an amount equal to the protected earnings proportion.

(5) Where paragraph (4) applies, the employer shall make further deductions which may not result in the debtor being paid an amount below the protected earnings proportion on the next following pay-days until the full amount which should have been deducted on the relevant pay-day has been deducted.

(6) Paragraph (3)(b) shall not apply on any pay-day where the amount paid to the debtor is below the protected earnings proportion by virtue of an agreement under regulation 9(c).

(7) Where, on any pay-day, the employer deducts more than the amount required to be deducted under the order, the employer shall, on the next pay-day—

- (a) deduct only the amount required to be deducted under the order for that pay-day less the difference between the amount which was previously deducted and the amount which should have been deducted; and
- (b) advise the collection officer accordingly.

(8) The employer shall continue to make deductions in accordance with the order, or any variation of it, until—

- (a) the employer is notified by the appropriate authority that the order has been discharged; or
- (b) as a result of deductions made under the order, the balance of the full amount to be recovered from the debtor's earnings is nil.

(9) Amounts deducted by an employer shall be paid in accordance with the order by the 19th day of the month following the month in which the deduction is made.

(10) Such payment may be made by—

- (a) direct credit transfer;
- (b) debit or credit card;
- (c) cheque; or
- (d) cash.

(11) The employer shall keep a record of every payment made under this regulation and of the debtor in respect of whom each such payment is made.

Administrative costs of employer

13.—(1) Where, on any pay-day, an employer makes a deduction from the debtor's earnings in accordance with an attachment of earnings order, the employer may also deduct an additional amount not exceeding £1.00 in respect of administrative costs and such deduction may reduce the amount which the employer pays to the debtor on that pay-day below the protected earnings proportion.

(2) On each occasion that an employer deducts an additional amount in accordance with paragraph (1), the employer shall, as soon as is practicable, notify the debtor in writing of the total amount of deductions made and how the total amount was calculated.

Variation of order

14.—(1) An application for the variation of an attachment of earnings order shall be made in Form 2, as set out in Schedule 1.

(2) Where the debtor applies for a variation the debtor shall serve a copy of the application on—

(a) where the responsible court made the attachment of earnings order—

(i) the proper officer; and

(ii) the collection officer; or

(b) where the collection officer made the order, the collection officer.

(3) Where the responsible court made the attachment of earnings order and the collection officer applies for a variation, the collection officer shall serve a copy of the application on—

(a) the proper officer; and

(b) the debtor.

(4) An application to the responsible court may be determined with or without a hearing.

(5) Where there is a hearing, the proper officer shall notify the debtor and the collection officer of the time, date and place of the hearing.

(6) An attachment of earnings order as varied shall be in Form 3, as set out in Schedule 1.

(7) Where the responsible court varies an attachment of earnings order, the proper officer shall, in addition to serving the order as varied on the employer, as soon as is practicable, notify the debtor and the collection officer of the court's decision.

(8) Where the collection officer varies an attachment of earnings order, the officer shall, in addition to serving the order as varied on the employer, as soon as is practicable, notify the debtor of the officer's decision.

Discharge of order

15.—(1) For the purpose of paragraph 7(5) of Schedule 1 to the Act, an attachment of earnings order is to be regarded as failing if—

(a) the employer cannot be found;

(b) the employer fails to comply with the order;

(c) it appears that the debtor is not in the employment of the person to whom the order is directed; or

(d) the debtor's employment with the person to whom the order is directed ceases before the outstanding amount is paid in full.

(2) The appropriate authority may discharge an attachment of earnings order on its own motion where—

(a) the order fails; or

(b) it considers that an attachment of earnings order is no longer appropriate.

(3) An application to discharge an attachment of earnings order shall be made in Form 2, as set out in Schedule 1, and shall specify the grounds on which the application is made.

(4) Where the debtor applies for the discharge, the debtor shall serve a copy of the application on—

(a) where the responsible court made the attachment of earnings order—

(i) the proper officer; and

(ii) the collection officer; or

(b) where the collection officer made the order, the collection officer.

(5) Where the responsible court made the attachment of earnings order and the collection officer applies for its discharge, the collection officer shall serve a copy of the application on—

(a) the proper officer; and

(b) the debtor.

(6) An application to the responsible court may be determined with or without a hearing.

(7) Where there is a hearing, the proper officer shall notify the debtor and the collection officer of the time, date and place of the hearing.

(8) Notice of discharge of an attachment of earnings order shall be in Form 3, as set out in Schedule 1.

(9) Where the responsible court discharges an attachment of earnings order, the proper officer shall, in addition to serving notice of the discharge on the employer, as soon as is practicable, notify the debtor and the collection officer of the court's decision.

(10) Where the collection officer discharges an attachment of earnings order, the officer shall, in addition to serving notice of the discharge on the employer, as soon as is practicable, notify the debtor of the officer's decision.

(11) Where an order is discharged, regulation 12(9) nevertheless applies in respect of any deductions made but not yet paid.

PART 4

BANK ACCOUNT ORDERS

Interpretation of this Part

16. In this Part—

“referral hearing” means a hearing on a referral under section 6 of the Act;

“specified amount” means the amount specified—

(a) in the interim bank account order, being the amount below which the deposit-taker shall not reduce the account, or if the account is already below that amount, shall not reduce it further; or

(b) in the bank account order,

as the case may be;

“working days” means any days other than a Saturday, a Sunday, or a public holiday.

Information to be provided to the collection officer

17. Where the collection officer is considering making or has made an interim bank account order under section 6(5) of the Act, the officer may require a deposit-taker to provide any of the following information—

(a) the debtor's current address and telephone number, if known;

(b) the number and type of any account held with the deposit-taker in the debtor's sole name;

- (c) a statement of the account for the previous 3 months;
- (d) the current balance of the account; and
- (e) whether the deposit-taker asserts a right to any money in the account, whether pursuant to a right of set-off or otherwise, and if so giving details and the grounds for that assertion.

Content of interim bank account order

18. An interim bank account order shall be in Form 4, as set out in Schedule 1 and shall include—

- (a) the debtor's name and address;
- (b) the name and address of the deposit-taker;
- (c) the date the interim bank account order was made;
- (d) details of the debtor's account with the deposit-taker which is subject to the interim bank account order; and
- (e) details of the specified amount.

Service of interim bank account order

19.—(1) An interim bank account order shall be served by the collection officer on—

- (a) the deposit-taker as soon as is practicable; and
- (b) the debtor, as soon as is practicable, after its implementation.

(2) At the same time as serving the order under paragraph 1(b), the collection officer shall provide the debtor with information on how the order may be discharged and hardship payments.

Obligations of deposit-taker served with interim bank account order

20.—(1) A deposit-taker served with an interim bank account order shall contact the collection officer immediately upon receipt of the order to confirm its implementation or to advise that the order cannot be implemented.

(2) Where the credit balance in the account in respect of which an interim bank account order is made is already below the specified amount, the deposit-taker shall inform the collection officer of the amount of the balance.

(3) A notice advising the deposit-taker of its obligations under this regulation, as set out in Form 5 in Schedule 1, shall be served on the deposit-taker at the same time as the interim bank account order.

(4) The deposit-taker shall complete Annex A of Form 5 and return it to the collection officer within 5 working days of service of the order.

Debtor's request for release of the specified amount

21.—(1) A request under section 20(2) of the Act for the deposit-taker to release to the responsible court the whole of the specified amount shall be made in Form 6, as set out in Schedule 1, and shall be given by the debtor to the deposit-taker.

(2) Where such a request is made, the debtor shall inform the collection officer.

Application for a hardship payment order

22.—(1) An application for a hardship payment order under section 21 of the Act shall be made in writing and shall include—

- (a) details of the amount requested to be paid under the hardship payment order;
- (b) details of the person to whom the amount is to be paid;
- (c) the date on or by which the amount is to be paid; and

(d) evidence of the hardship the debtor or his or her family is suffering in meeting ordinary living expenses.

(2) An application for a hardship payment order shall be served by the debtor on the collection officer.

(3) An application for a hardship payment order shall be determined by the collection officer as soon as is practicable.

(4) The collection officer, in determining an application for a hardship payment order, shall take into account the evidence provided under paragraph (1)(d).

Hardship payment order

23.—(1) A hardship payment order shall be in Form 7, as set out in Schedule 1, and shall specify—

- (a) the debtor's name and address;
- (b) the deposit-taker's name and address;
- (c) the account number or reference number of the account from which payment is to be made;
- (d) the amount to be paid, subject to there being sufficient funds available in the account;
- (e) details of the person to whom the amount is to be paid; and
- (f) the date on or by which the amount must be paid.

(2) A hardship payment order shall be served by the collection officer on the debtor and the deposit-taker.

Notice of and arrangements for referral hearing where interim bank account order made

24.—(1) Where an interim bank account order has been made, the collection officer shall notify the deposit-taker of the date, time and place of the referral hearing, and that it is entitled to attend and be heard.

(2) The referral hearing shall be listed within 28 days of implementation of the order.

Information to be provided to the court

25. Where the responsible court is considering making a bank account order, whether an interim bank account order has been made or not, it may require a deposit-taker to provide any of the following information—

- (a) whether it has any accounts held in the debtor's sole name; and
- (b) in respect of any such account—
 - (i) the debtor's current address and telephone number, if known;
 - (ii) the number and type of the account;
 - (iii) a statement of the account for the previous 3 months;
 - (iv) the current balance in the account; and
 - (v) whether the deposit-taker asserts a right to any money in the account, whether pursuant to a right of set-off or otherwise, and if so giving details and the grounds for that assertion.

Content of bank account order

26.—(1) A bank account order shall be in Form 8, as set out in Schedule 1, and shall include—

- (a) the name and address of the debtor;
- (b) details of the debtor's account which is subject to the bank account order;

- (c) details of the interim bank account order (if applicable);
- (d) notice that payment of the specified amount will discharge the bank account order and any related interim bank account order;
- (e) the name and address of the deposit-taker;
- (f) the amount to be paid by the deposit-taker from the debtor's account;
- (g) requirements for implementation of the order in accordance with regulation 28; and
- (h) details of how the specified amount is to be paid.

Service of bank account order

27. A bank account order shall be served, as soon as is practicable, by the proper officer on—

- (a) the debtor;
- (b) the deposit-taker; and, where a collection order was made,
- (c) the collection officer.

Implementation of bank account order

28.—(1) A bank account order shall be implemented within 10 working days of its service on the deposit-taker.

(2) Subject to paragraph (3), where the specified amount exceeds the credit balance in the account to which the order relates—

- (a) the deposit-taker shall make payment in the amount of the credit balance, if any, and advise the collection officer accordingly; and
- (b) the deposit-taker shall make further payments, as soon as is practicable, after further funds, if any, are deposited to the credit of the account until the specified amount is paid in full.

(3) A bank account order may not operate to require the making of a payment which would reduce the credit balance of the account to which the order relates below £5.00.

Administrative charges

29. A deposit-taker may impose an administrative charge on the debtor of equivalent value to the costs incurred by it in complying with any interim bank account order or bank account order.

PART 5

VEHICLE SEIZURE ORDERS

Interpretation of this Part

30. In this Part—

“appropriate officer” means—

- (a) if a collection order was made, the collection officer; or
- (b) if no collection order was made, the proper officer;

“authorised person” means a person authorised by the Department of Justice under section 23(2) of the Act;

“charges due” means charges which are payable in accordance with Schedule 3 in respect of the removal, storage or disposal of the vehicle.

Matters to be taken into account by the collection officer

31. Before making a request on a referral under section 6(6) of the Act, in addition to the matters specified in section 6(7), the collection officer must be satisfied that the debtor is the sole owner of the vehicle to which the request refers.

Content of a vehicle seizure order

32. A vehicle seizure order shall be in Form 9, as set out in Schedule 1, and shall include—

- (a) the debtor's full name, address and date of birth;
- (b) the amount of the sum due;
- (c) the date on which the collection order was made;
- (d) the outstanding amount for which the debtor is liable;
- (e) the date on which the vehicle seizure order was made;
- (f) the make, model and registration mark of the vehicle to be seized;
- (g) details of how the outstanding amount may be paid;
- (h) notice that the vehicle shall be seized and removed to storage if the outstanding amount is not paid in full within 28 days;
- (i) the charges payable by the debtor if the vehicle is seized, as prescribed in Schedule 3;
- (j) notice that the vehicle may be sold or otherwise disposed of if payment of the outstanding amount and any charges due is not made in full within 28 days of its seizure; and
- (k) the contact details of the appropriate officer.

Procedure on making a vehicle seizure order

33.—(1) Where a vehicle seizure order is made, the appropriate officer shall serve a copy, as soon as is practicable, on the debtor.

(2) If payment of the outstanding amount is not made within 28 days of service of the order on the debtor, the appropriate officer shall serve a copy of the order on the Police Service of Northern Ireland who may then seize the vehicle and arrange its removal to storage by an authorised person.

Places where vehicles may be seized

34.—(1) A vehicle which is the subject of a vehicle seizure order may be seized—

- (a) by a police officer or an authorised person from any place to which the public has access, including any highway or road; or
- (b) by a police officer from any private premises or property other than a dwelling house.

(2) For the purpose of seizing a vehicle under paragraph (1)(b), a police officer may—

- (a) enter any such premises or property on which the officer has reasonable grounds for believing the vehicle to be; and
- (b) use reasonable force if necessary in the exercise of that power.

Defect in vehicle seizure order or irregularity in its execution

35.—(1) A vehicle seizure order shall not be held void by reason of any defect in the order.

(2) A person acting in the execution of a vehicle seizure order shall not be deemed to be a trespasser by reason only of any irregularity in the execution of the order.

(3) Nothing in this regulation shall prejudice the claim of any person for special damages in respect of any loss caused by a defect in the vehicle seizure order or irregularity in its execution.

Removal of vehicle to storage

36. Where a vehicle is seized and removed to storage the appropriate officer shall serve written notice on the debtor specifying—

- (a) the registration mark of the seized vehicle;
- (b) the date the vehicle seizure order was made;
- (c) that since the outstanding amount has not been paid in full within the time specified on the vehicle seizure order, the vehicle has been seized and removed to storage;
- (d) the date, time and place of seizure;
- (e) the address, telephone number and opening hours of the storage premises;
- (f) how to apply for the release of a vehicle wrongly seized;
- (g) details of charges payable for the removal, storage and disposal of the vehicle;
- (h) how to pay the outstanding amount and charges due;
- (i) that unless the outstanding amount and charges due are paid in full within 28 days from the date of seizure, the vehicle may be sold or otherwise disposed of;
- (j) that if the vehicle is sold, the charges due and the outstanding amount will be deducted from the proceeds of sale before any balance is sent to the debtor; and
- (k) the contact details of the appropriate officer.

Storage of vehicle

37.—(1) Premises used for the storage of seized vehicles shall be secure and such as to protect them from damage or unreasonable deterioration.

- (2) A vehicle removed to storage shall remain in storage until it is—
 - (a) released pursuant to a court order under regulation 38;
 - (b) released in accordance with regulation 39; or
 - (c) sold or otherwise disposed of in accordance with regulation 40.

Release of vehicle wrongly seized

38.—(1) Where a vehicle is seized, removed or stored in breach of any provision of this Part, a person may apply to the responsible court for the release of the vehicle.

(2) An application under paragraph (1) shall be made, giving details in writing, within 14 days of the alleged breach (or such further time as the court may allow) and a copy shall be served on the Police Service for Northern Ireland and the appropriate officer.

- (3) The proper officer shall notify—
 - (a) the applicant, the Police Service for Northern Ireland and, where a collection order was made, the collection officer of the date, time and place of the hearing; and
 - (b) the applicant that he or she may attend and may be represented at the hearing.

(4) The appropriate officer, an officer of the Police Service for Northern Ireland or the authorised person, as the case may require, shall attend the hearing for the purpose of answering the court's questions and providing relevant information.

- (5) On an application the responsible court may—
 - (a) order the release of the vehicle, with or without payment of any charges due; or
 - (b) dismiss the application and allow such further time for payment of the outstanding amount and charges due as the court may determine.

(6) Where the responsible court orders the release of the vehicle the appropriate officer shall notify the authorised person who shall release the vehicle without delay in accordance with the order, and shall issue a receipt which shall detail—

- (a) the registration mark of vehicle;
- (b) the amount of payment made in respect of any charges due;
- (c) the date of payment; and
- (d) the name of person issuing the receipt.

Release of vehicle on payment of outstanding amount and charges

39.—(1) A vehicle which has been seized and removed to storage may be released in accordance with this regulation upon payment of the outstanding amount and the charges due.

(2) Payment of the outstanding amount shall be made to the responsible court.

(3) Upon receipt of payment under paragraph (2), the appropriate officer shall advise the Police Service for Northern Ireland that the outstanding amount has been paid and, subject to the payment of any charges due, may be released.

(4) Payment of charges due may be made to the authorised person during office opening hours following payment of the outstanding amount.

(5) The authorised person shall release the vehicle without delay upon payment of the charges due, and shall issue a receipt which shall detail—

- (a) the registration mark of vehicle;
- (b) the amount of payment made in respect of the charges due;
- (c) the date of payment; and
- (d) the name of person issuing the receipt.

Sale or disposal of seized vehicle

40.—(1) A vehicle which has been seized and removed to storage shall not be sold or otherwise disposed of—

- (a) before the expiry of the period of 28 days from the date of its seizure and removal to storage; or
- (b) where an application for release under regulation 38 has been made, until such application has been determined and any further time allowed has expired,

whichever is later.

(2) A vehicle which is to be sold or disposed of may be sold or disposed of in such manner as the authorised person thinks fit.

Ownership of the vehicle on sale

41. On the sale of a vehicle which is subject to a vehicle seizure order, its ownership shall vest solely in the purchaser.

Treatment of proceeds of sale of a seized vehicle

42.—(1) Where a seized vehicle has been sold, the authorised person shall first deduct from the proceeds of sale the amount of the charges due and shall then send the remaining balance to the Police Service for Northern Ireland as soon as is practicable.

(2) The Police Service for Northern Ireland shall send the balance received under paragraph (1) to the appropriate officer who shall deduct an amount sufficient to discharge the debtor's liability in respect of the outstanding amount.

(3) The appropriate officer shall send payment of any remaining balance to the debtor, accompanied by a written statement of account, within 10 days of receipt of funds from the Police Service for Northern Ireland.

(4) If a seized vehicle is sold and the proceeds of sale are not sufficient to meet the outstanding amount and any charges due, the proceeds of sale shall first be applied towards meeting the charges due and then, if a balance remains, towards discharging the debtor's liability in respect of the outstanding amount.

Charges

43. The charges payable to the authorised person in connection with the removal, storage and disposal of the vehicle are those prescribed in Schedule 3.

Sealed with the Official Seal of the Department of Justice on 23rd April 2018



Nick Perry
A senior officer of the
Department of Justice

SCHEDULE 1

Form 1

Regulation 8

JUSTICE ACT (NORTHERN IRELAND) 2016
(section 4(1)(b), 6(3)(b), 6(3)(c) or 9(1)(c))
THE ENFORCEMENT OF FINES AND OTHER PENALTIES REGULATIONS
(NORTHERN IRELAND) 2018
(regulation 8)

ATTACHMENT OF EARNINGS ORDER – FINANCIAL PENALTY

ICOS Reference Number (*ICOS reference number*)

To (*employer's name*) of (*employer's address*).

WHEREAS (*debtor's name*), of (*debtor's address*) who works at/for (*employer's name*), payroll number, (*payroll number if known*), National Insurance Number (*National Insurance Number*), has an outstanding financial penalty of (*outstanding amount*).

AND WHEREAS, an attachment of earnings order has been made against the debtor to secure the payment under section 4(1) (b), 6(3)(b), 6(3)(c) or 9(1)(c) of the Justice Act (Northern Ireland) 2016, AND it appears that earnings are payable by you to the debtor.

[YOU ARE HEREBY ORDERED to take out of those earnings deductions at the rate specified in the attached tables, subject to the protected earnings proportion (which is 60 percent of the debtors net earnings)

[YOU ARE HEREBY ORDERED to take out of those earnings deductions at the rate of (*amount*) per (*week/month*).]

AND YOU ARE FURTHER ORDERED that the first such deduction shall be made as soon as reasonably practicable after the service on you of this order, and to pay the sums deducted by the 19th day of the month following the month in which the deduction was made, in accordance with the payment methods detailed below.

Dated _____ Judge/Collection Officer

The collection officer responsible for securing compliance with this attachment of earnings order can be contacted on (*FCS Telephone Number*).

NOTICE OF EMPLOYER'S OBLIGATIONS

1. You must comply with this order.
2. You must notify the collection officer in writing within 7 days of the date of service upon you of this order if the debtor is not in your employment.
3. If you subsequently cease to employ the debtor, you are required to notify the collection officer in writing, within 7 days of such an event taking place.
4. The enclosed guidance gives further information about the implementation of this order.

IT IS AN OFFENCE TO FAIL, WITHOUT REASONABLE EXCUSE, TO COMPLY WITH THIS ORDER.

IT IS AN OFFENCE TO FAIL, WITHOUT REASONABLE EXCUSE, TO PROVIDE A NOTIFICATION REQUIRED UNDER PARAGRAPHS 2 AND 3 ABOVE.

IT IS AN OFFENCE TO KNOWINGLY FAIL TO DISCLOSE A MATERIAL FACT OR TO KNOWINGLY OR RECKLESSLY PROVIDE FALSE INFORMATION.

ATTACHMENT OF EARNINGS ORDER DEDUCTION TABLES

A protected earnings proportion of 60 percent of the debtor's net earnings applies during the period to which a deduction from the debtor's earnings on foot of this order relates. (See attached guidance).

Table A

WHERE EARNINGS ARE PAID WEEKLY

Net Earnings	Deduction Rate (percentage of net earnings)
Not exceeding £100	Nil
Exceeding £100 but not exceeding £160	3
Exceeding £160 but not exceeding £220	5
Exceeding £220 but not exceeding £270	7
Exceeding £270 but not exceeding £375	11
Exceeding £375 but not exceeding £520	15
Exceeding £520	20

Table B

WHERE EARNINGS ARE PAID MONTHLY

Net Earnings	Deduction Rate (percentage of net earnings)
Not exceeding £430	Nil
Exceeding £430 but not exceeding £690	3
Exceeding £690 but not exceeding £950	5
Exceeding £950 but not exceeding £1160	7
Exceeding £1160 but not exceeding £1615	11
Exceeding £1615 but not exceeding £2240	15
Exceeding £2240	20

PAYMENT METHODS

Credit Transfer/BACS payment can be made through your bank to—

Account Name—

Sort Code—

Account Number—

Your Payment Reference is—(*FCS ID*)

Alternatively you can make payments by—

(a) calling (*payment centre telephone number*) and paying by debit or credit card. You will need the case reference number (*ID*); or

(b) sending a crossed cheque made payable to 'NI Courts and Tribunals Service' to (*payment centre name and address*). Please write the case reference number (*ID*) and debtor's name on the reverse of the cheque. For receipts, enclose a stamped addressed envelope; or

(c) cash at any court office.

ENDORSEMENT ON COPY SENT TO DEBTOR

This is a copy of an attachment of earnings order directed to your employer. If you leave this employment or become employed or re-employed, you must notify the collection officer at (*collection officer's address*) in writing, within 7 days and you must give particulars of your earnings or expected earnings from any new employment.

FAILURE TO DO SO WITHOUT REASONABLE EXCUSE; KNOWINGLY FAILING TO DISCLOSE A MATERIAL FACT; OR KNOWINGLY OR RECKLESSLY PROVIDING FALSE INFORMATION IS AN OFFENCE AND MAY RENDER YOU LIABLE TO A FINE

JUSTICE ACT (NORTHERN IRELAND) 2016
(Schedule 1, paragraphs 6 and 7)
THE ENFORCEMENT OF FINES AND OTHER PENALTIES REGULATIONS
(NORTHERN IRELAND) 2018
(regulations 14 and 15)

**APPLICATION TO VARY OR DISCHARGE AN
ATTACHMENT OF EARNINGS ORDER**

Case reference Number

APPLICATION IS HEREBY MADE for the variation/discharge (*delete as appropriate*) of an attachment of earnings order made on (*insert date*) on the following grounds—

Applicant Name

Applicant Address

Dated

Applicant Signature

NOTE

1. Where the debtor applies for the variation/discharge the debtor shall serve a copy of the application on the following—
 - (a) where a court made the attachment of earnings order—
 - (i) the proper officer; and
 - (ii) the collection officer; or
 - (b) where the collection officer made the order, the collection officer.
2. Where the collection officer applies for the variation the collection officer shall serve a copy of the application on—
 - (a) the proper officer; and
 - (b) the debtor.
3. An application to a responsible court may be determined with or without a hearing.

JUSTICE ACT (NORTHERN IRELAND) 2016
 (Schedule 1, paragraphs 6 and 7)
 THE ENFORCEMENT OF FINES AND OTHER PENALTIES REGULATIONS
 (NORTHERN IRELAND) 2018
 (regulations 14 and 15)
**VARIATION/DISCHARGE OF AN
 ATTACHMENT OF EARNINGS ORDER – FINANCIAL PENALTY**

To (*employer's name*) of (*employer's address*)

WHEREAS an attachment of earnings order was made by [(*court*) sitting at (*venue*)] [collection officer] in respect of (*debtor's name*) of (*debtors address*), payroll number (*payroll number*), who works at/for (*employer's name*) on (*date of attachment of earning order*).

[AND WHEREAS the said attachment of earnings order has been varied AND it appears that earnings are payable by you to the debtor.

YOU ARE NOW HEREBY ORDERED to take out of those earnings deductions (as varied) [at the rate specified in the attached tables][at the rate of (*rate/amount*) per (*week/month*)].

AND YOU ARE FURTHER ORDERED that the first such deduction shall be made, as soon as reasonably practicable, after the service on you of this order, and to pay the sums deducted by the 19th day of the month following the month in which the deduction was made in accordance with the payment methods detailed below.]

[TAKE NOTICE that the said attachment of earning order is hereby discharged and you should make no further deductions from the debtor's earnings in respect of the order.]

Dated _____ Judge/Collection Officer

The collection officer responsible for securing compliance with this attachment of earnings order/notice of discharge can be contacted on (*FCS Telephone Number*).

NOTICE OF EMPLOYER'S OBLIGATIONS

1. You must comply with this variation order/notice of discharge of an attachment of earnings order.
- [2. You must notify the collection officer in writing within 7 days of the date of service upon you of this order if the debtor is not in your employment.
3. If you subsequently cease to employ the debtor, you are required to notify the collection officer in writing, within 7 days of such an event taking place.]
4. The enclosed guidance gives further information about the implementation of this order.

IT IS AN OFFENCE TO FAIL, WITHOUT REASONABLE EXCUSE, TO COMPLY WITH THIS ORDER/NOTICE.

[IT IS AN OFFENCE TO FAIL, WITHOUT REASONABLE EXCUSE, TO PROVIDE A NOTIFICATION REQUIRED UNDER PARAGRAPH[S] 2 [AND 3] ABOVE.

IT IS AN OFFENCE TO KNOWINGLY FAIL TO DISCLOSE A MATERIAL FACT OR TO KNOWINGLY OR RECKLESSLY PROVIDE FALSE INFORMATION.

ATTACHMENT OF EARNINGS ORDER DEDUCTION TABLES

A protected earnings proportion of 60 percent of the debtor's net earnings applies during the period to which a deduction from the debtor's earnings on foot of this order relates. (See attached guidance).

Table A

WHERE EARNINGS ARE PAID WEEKLY

Net Earnings	Deduction Rate (percentage of net earnings)
Not exceeding £100	Nil
Exceeding £100 but not exceeding £160	3
Exceeding £160 but not exceeding £220	5
Exceeding £220 but not exceeding £270	7
Exceeding £270 but not exceeding £375	11
Exceeding £375 but not exceeding £520	15
Exceeding £520	20

Table B

WHERE EARNINGS ARE PAID MONTHLY

Net Earnings	Deduction Rate (percentage of net earnings)
Not exceeding £430	Nil
Exceeding £430 but not exceeding £690	3
Exceeding £690 but not exceeding £950	5
Exceeding £950 but not exceeding £1160	7
Exceeding £1160 but not exceeding £1615	11
Exceeding £1615 but not exceeding £2240	15
Exceeding £2240	20

PAYMENT METHODS

Credit Transfer/BACS payment can be made through your bank to—

Account Name—

Sort Code—

Account Number—

Your Payment Reference is—(*FCS ID*)

Alternatively you can make payments by—

(a) calling (*payment centre telephone number*) and paying by debit or credit card. You will need the case reference number (*ID*); or

(b) sending a crossed cheque made payable to 'NI Courts and Tribunals Service' to (*payment centre name and address*). Please write the case reference number (*ID*) and debtor's name on the reverse of the cheque. For receipts, enclose a stamped addressed envelope; or

(c) cash at any court office.]

ENDORSEMENT ON COPY SENT TO DEBTOR

This is a copy of a variation/notice of discharge of an attachment of earnings order directed to your employer.

[*For a variation:* If you leave this employment or become employed or re-employed, you must notify the collection officer at (*collection officer's address*) in writing, within 7 days and you must give particulars of your earnings or expected earnings from any new employment.

FAILURE TO DO SO WITHOUT REASONABLE EXCUSE; KNOWINGLY FAILING TO DISCLOSE A MATERIAL FACT; OR KNOWINGLY OR RECKLESSLY PROVIDING FALSE INFORMATION IS AN OFFENCE AND MAY RENDER YOU LIABLE TO A FINE.]

[*For a discharge:* No further deductions will be taken from your earnings under the attachment of earnings order. You do not have to take any further action.]

JUSTICE ACT (NORTHERN IRELAND) 2016
(section 20)
THE ENFORCEMENT OF FINES AND OTHER PENALTIES REGULATIONS
(NORTHERN IRELAND) 2018
(regulation 18)

INTERIM BANK ACCOUNT ORDER

To (*deposit-taker's name*)

of (*deposit-taker's address*)

WHEREAS an interim bank account order has been made under section 20 of the Justice Act (Northern Ireland) 2016 against the debtor (*debtor's name*) of (*debtors address*) in respect of account number (*account number and reference number*) held with you.

YOU ARE HEREBY ORDERED not to do anything which—

(a) would reduce the credit balance of the debtor's account below (*the specified amount*);
or

(b) if the credit balance is already below (*the specified amount*), would reduce it further.

Dated

Collection Officer

JUSTICE ACT (NORTHERN IRELAND) 2016
(section 20)
THE ENFORCEMENT OF FINES AND OTHER PENALTIES REGULATIONS
(NORTHERN IRELAND) 2018
(regulation 20)
INTERIM BANK ACCOUNT ORDER—NOTICE TO DEPOSIT-TAKER

YOU HAVE BEEN SERVED with the attached interim bank account order in respect of (*debtors name*), account/reference number (*account/reference number*).

YOU ARE NOW REQUIRED to implement the order immediately and to confirm the details of its implementation with the collection officer, or advise that it cannot be implemented. You are then required to complete and return Annex A within 5 working days of date of service of this order.

IT IS AN OFFENCE TO FAIL WITHOUT REASONABLE EXCUSE TO PROVIDE THE REQUIRED INFORMATION; TO PROVIDE INFORMATION WHICH YOU KNOW TO BE FALSE IN A MATERIAL PARTICULAR; TO RECKLESSLY PROVIDE INFORMATION WHICH IS FALSE IN A MATERIAL PARTICULAR; OR TO KNOWINGLY FAIL TO DISCLOSE A MATERIAL FACT.

A HEARING will be arranged within 28 days of the implementation of this order where the court will consider making a bank account order under section 22 of the Justice Act (Northern Ireland) 2016. You will receive notice of the hearing and will be entitled to attend.

HARDSHIP PAYMENTS

The debtor may make application for a hardship payment while this interim bank account order is in place. You will be advised if any such application is successful and the action you must then take.

PAYMENT ON REQUEST OF THE DEBTOR

You must comply with a request from the debtor to release to the court the amount specified in the interim bank account order while the order is in place. A blank request form for such a request is attached at Form B.

PAYMENT METHODS

Credit Transfer/BACS payment can be made to—

Account Name—

Sort Code—

Account Number—

Your Payment Reference is—(*FCS ID*)

If the court receives payment of the specified amount the collection officer will discharge the interim bank account order and notify you accordingly.

ADMINISTRATIVE CHARGES

You may impose an administrative charge on the debtor's account of equivalent value to the costs incurred in complying with this order.

Annex A

Deposit-taker's Name—	ICOS Ref
Debtor's name—	
Sort Code—	Account Number—
Specified Amount—£	Date Implemented—
Account balance if below the specified amount—	£
The current credit balance (if any) and date of balance—	£ (<i>date</i>)
In respect of any other account held solely in the debtor's name please advise:	
Account Number—	(<i>account number</i>)
Whether the credit balance exceeds the specified amount—	Yes/No (<i>delete as appropriate</i>)
The current credit balance (if any) and date of balance—	£ (<i>date</i>)
Where any of the accounts are in credit, do you assert a right to any money in the account, whether pursuant to a right of set-off or otherwise?	Yes/No (<i>delete as appropriate</i>)
If yes, please give details and what are the grounds for that assertion—	
Signed—	
Print Name—	
Date—	
Contact Details: Email—	Telephone—

Once completed this form should be sent to the Collection Officer (*FCS address*) within 5 working days of its service on you.

JUSTICE ACT (NORTHERN IRELAND) 2016
(section 20)
THE ENFORCEMENT OF FINES AND OTHER PENALTIES REGULATIONS
(NORTHERN IRELAND) 2018
(regulation 21)

**DEBTOR'S REQUEST TO RELEASE THE AMOUNT SPECIFIED
IN AN INTERIM BANK ACCOUNT ORDER**

To (*deposit-taker's name*)

I (*debtor's name*)

of (*debtor's address*)

request the release of (*amount*), being the amount specified in an interim bank account order dated (*date of order*) from my account (*account/reference number*) to the court.

Date

Signed

PAYMENT METHODS

Credit Transfer/BACS payment can be made to—

Account Name—

Sort Code—

Account Number—

Your Payment Reference is—(*FCS ID*)

Note to Debtor – this form should be completed and given to your financial institution in order to discharge the interim bank account order.

JUSTICE ACT (NORTHERN IRELAND) 2016
(section 21)
THE ENFORCEMENT OF FINES AND OTHER PENALTIES REGULATIONS
(NORTHERN IRELAND) 2018
(regulation 23)

HARDSHIP PAYMENT ORDER

To *(deposit-taker's name)*

of *(deposit-taker's address)*

WHEREAS an interim bank account order was made on *(date)* against *(debtor's name)* of *(debtor's address)* in respect of account number *(account number and reference number)* held with you, for *(amount)* under section 20 of the Justice Act (Northern Ireland) 2016.

AND WHEREAS an application for a hardship payment has been made by *(debtor's name)*.

Subject to there being sufficient funds available, YOU ARE HEREBY ORDERED TO PAY

<i>(amount)</i>	from the above account
on/by	<i>(date to be paid)</i>
to	<i>(details of person to be paid)</i>

Dated

Collection Officer

The collection officer can be contacted on *(FCS contact details)*.

JUSTICE ACT (NORTHERN IRELAND) 2016
(section 9(1)(d))
THE ENFORCEMENT OF FINES AND OTHER PENALTIES REGULATIONS
(NORTHERN IRELAND) 2018
(regulation 26)

BANK ACCOUNT ORDER

To *(deposit-taker's name)* of *(deposit-taker's address)*.

[WHEREAS an interim bank account order was made on *(date)* against *(debtor's name)* of *(debtor's address)* in the sum of *(amount specified)*.

AND] WHEREAS a bank account order has been made under section 9(1)(d) of the Justice Act (Northern Ireland) 2016 against—

The debtor *(debtor's name)* of *(debtor's address)* in respect of an account number *(account number or reference number)* held with you for *(specified amount)*.

YOU ARE HEREBY ORDERED to pay the sum of *(amount)* from the account specified above to the court (see payment details attached).

Dated

Judge

Notes—

1. A bank account order shall be implemented within 10 working days of its service on you.
2. You must—
 - (a) make payment of the specified amount subject to a minimum credit balance of £5.00 remaining in the account. If the full specified amount cannot be paid you must advise the collection officer accordingly; and
 - (b) pay the remaining balance of the specified amount as soon as practicable after further funds, if any, are deposited to the credit of the account.
3. Payment of the specified amount will discharge the bank account order and any related interim order.
4. You may impose an administration charge on the debtor's account of equivalent value to the costs incurred in complying with this order.
5. The officer responsible for securing compliance with this bank account order can be contacted on *(telephone number)*.

PAYMENT METHODS

Credit Transfer/BACS payment can be made to—

Account Name—

Sort Code—

Account Number—

Your Payment Reference is—*(ID)*

JUSTICE ACT (NORTHERN IRELAND) 2016
(section 9(1)(e))
THE ENFORCEMENT OF FINES AND OTHER PENALTIES REGULATIONS
(NORTHERN IRELAND) 2018
(regulation 32)

VEHICLE SEIZURE ORDER

WHEREAS the (*court*), sitting at (*venue*) on (*date*) ordered that (*debtors name*) of (*debtors address*) (*debtors date of birth*) to pay (*amount*) of which (*outstanding amount*) remains outstanding.

IT IS NOW ORDERED THAT, if payment of the outstanding amount is not made within 28 days, your vehicle (*make and model*), vehicle registration number (*VRN*) shall be removed to storage and sold or otherwise disposed of after a further 28 days.

The vehicle will be released upon payment of the outstanding amount and all removal and storage costs incurred at any time before the sale or disposal of the vehicle.

The officer responsible for securing compliance with this vehicle seizure order can be contacted on (*telephone number*).

Dated _____ Judge _____

To prevent further action, payment must be made within the next 28 days by one of the payment methods below.

PAYMENT METHODS

Payments can be made—

(a) online using a debit or credit card at www.courtsni.gov.uk

The case reference number (*ID*) and online account number (*online ref*) will be required;

(b) by calling (*payment centre telephone number*) and paying by debit or credit card.

The case reference number (*ID*) will be required; or

(c) by sending a crossed cheque including the case reference number (*ID*) and name, made payable to NI Courts and Tribunals Service to (*payment centre*) (*payment centre address*).

Table 1

Removal, Storage and Disposal Charges

<i>Removal: Vehicle position and condition</i>	<i>Two wheeled vehicle</i>	<i>Vehicle equal to or less than 3.5 tonnes MAM</i>	<i>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes</i>	<i>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 tonnes</i>	<i>Vehicle exceeding 18 tonnes MAM</i>
Vehicle on road, upright and not substantially damaged or any two wheeled vehicle whatever its condition or position on or off the road	£150	£150	£200	£350	£350
Vehicle, excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both	N/A	£250	£650	Unladen £2000	Unladen £3000
				Laden £3000	Laden £4500
Vehicle, excluding a two wheeled vehicle, off road, upright and not substantially damaged	N/A	£200	£400	Unladen £1000	Unladen £1500
				Laden £1500	Laden £2000
Vehicle, excluding a two wheeled vehicle, off road, but either not upright or substantially damaged or both	N/A	£300	£850	Unladen £3000	Unladen £4500
				Laden £4500	Laden £6000
<i>Storage per day</i>	£10	£20	£25	£30	£35
<i>Disposal</i>	£50	£75	£100	£125	£150

SCHEDULE 2

Regulation 9

Attachment of Earnings Deduction Rates

Table A

WHERE EARNINGS ARE PAID WEEKLY

<i>Net Earnings</i>	<i>Deduction Rate (percentage of net earnings)</i>
Not exceeding £100	Nil
Exceeding £100 but not exceeding £160	3
Exceeding £160 but not exceeding £220	5
Exceeding £220 but not exceeding £270	7
Exceeding £270 but not exceeding £375	11
Exceeding £375 but not exceeding £520	15
Exceeding £520	20

Table B

WHERE EARNINGS ARE PAID MONTHLY

<i>Net Earnings</i>	<i>Deduction Rate (percentage of net earnings)</i>
Not exceeding £430	Nil
Exceeding £430 but not exceeding £690	3
Exceeding £690 but not exceeding £950	5
Exceeding £950 but not exceeding £1160	7
Exceeding £1160 but not exceeding £1615	11
Exceeding £1615 but not exceeding £2240	15
Exceeding £2240	20

SCHEDULE 3

Regulation 43

Charges in Relation to Removal, Storage and Disposal of Vehicles

Interpretation

1. In this Schedule “MAM” means maximum authorised mass, and, in relation to any vehicle, includes the MAM of any trailer attached to that vehicle.

Charges in relation to the removal of vehicles

2. The amount payable for the removal of vehicles shall be the charges specified in Table 1.

Table 1

Removal Charges

<i>Vehicle position and condition</i>	<i>Vehicle equal to or less than 3.5 tonnes MAM</i>	<i>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes</i>	<i>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 tonnes MAM</i>	<i>Vehicle exceeding 18 tonnes MAM</i>
Vehicle on road, upright and not substantially damaged or any two wheeled vehicle whatever its condition or position on or off the road	£150	£200	£350	£350
Vehicle, excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both	£250	£650	Unladen £2000	Unladen £3000
			Laden £3000	Laden £4500
Vehicle, excluding a two wheeled vehicle, off road, upright and not substantially damaged or both	£200	£400	Unladen £1000	Unladen £1500
			Laden £1500	Laden £2000
Vehicle, excluding a two wheeled vehicle, off road, but either not upright or substantially damaged or both	£300	£850	Unladen £3000	Unladen £4500
			Laden £4500	Laden £6000

3. For the purposes of Table 1 a vehicle is considered to be upright if all parts of the vehicle are upright.

Charges in relation to the storage of vehicles

4. The amount payable for the storage of vehicles, for each period of 24 hours or part thereof during which a vehicle is in the custody of the authorised person, shall be the charges specified in Table 2.

5. For the purposes of paragraph 4, each period of 24 hours shall be reckoned from noon on the first day after removal during which the place at which the vehicle is stored is open for the claiming of the vehicles before noon.

Table 2

Storage Charges

<i>Two wheeled vehicle</i>	<i>Vehicle not including a two wheeled vehicle equal to or less than 3.5 tonnes MAM</i>	<i>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes</i>	<i>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 tonnes</i>	<i>Vehicle exceeding 18 tonnes MAM</i>
£10	£20	£25	£30	£35

Charges in relation to the disposal of vehicles

6. The amount payable for the disposal of vehicles shall be the charges specified in Table 3.

Table 3

Disposal Charges

<i>Two wheeled vehicle</i>	<i>Vehicle not including a two wheeled vehicle equal to or less than 3.5 tonnes MAM</i>	<i>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes</i>	<i>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 tonnes</i>	<i>Vehicle exceeding 18 tonnes MAM</i>
£50	£75	£100	£125	£150

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the collection and enforcement of financial penalties under Part 1 of the Justice Act (Northern Ireland) 2016 (“the Act”).

Part 2 (regulations 3 and 4) makes provision in relation to the content of applications for deductions from benefits and for the court to advise the debtor and the Department for Communities once full payment of the outstanding amount has been made.

Part 3 (regulations 5 to 15) makes provision in relation to attachment of earnings orders.

Regulation 5 defines terms used in Part 3.

Regulation 6 provides the meaning of “earnings” for the purposes of sections 6 and 18 of the Act, and for Part 3 of the Regulations.

Regulation 7 specifies the information which may be required from the debtor or his employer when a statement of earnings is directed under section 19 of the Act.

Regulations 8 to 10 make provision in relation to the content of an attachment of earnings order, the rates at which earnings are to be deducted, and service of the order.

Regulation 11 prescribes the process for making an application under paragraph 3 of Schedule 1 to the Act to determine whether payments are earnings.

Regulations 12 and 13 make provision in relation to compliance with attachment of earnings orders and administrative charges which the employer may impose.

Regulations 14 and 15 make provision in relation to applications to vary or discharge attachment of earnings orders.

Part 4 (regulations 16 to 30) makes provision in relation to bank account orders.

Regulation 16 defines the terms used in Part 4.

Regulation 17 makes provision as to the information the collection officer may require from a deposit-taker when he or she is considering making or has made an interim bank account order.

Regulations 18 and 19 make provision as to the content of an interim bank account order and its service.

Regulation 20 makes provision detailing what a deposit-taker must do on receipt of an interim bank account order.

Regulation 21 makes provision in relation to requests by the debtor under section 20 of the Act for payment of the amount specified in an interim bank account order.

Regulations 22 and 23 prescribe the process to be followed when making an application for a hardship payment order under section 21 of the Act and the content and service of such an order.

Regulation 24 gives details of arrangements for referral hearings where an interim bank account order has been made.

Regulation 25 specifies the information a deposit-taker may be required to provide when the court is considering making a bank account order

Regulations 26 and 27 make provision in relation to the content and service of bank account orders.

Regulations 28 and 29 make provision in relation to the implementation of a bank account order, set out the procedure where there are insufficient funds in the debtor’s bank account to satisfy the order, and provide for the deposit-taker to make an administrative charge on the debtor.

Part 5 (regulations 30 to 43) makes provision in relation to vehicle seizure orders.

Regulation 30 defines terms used in Part 5.

Regulation 31 provides that a collection officer must, in addition to the matters specified in section 6(7) of the Act, be satisfied that the debtor is the sole owner of the vehicle.

Regulations 32 and 33 detail the content of a vehicle seizure order and the procedure to be followed on the making of such an order.

Regulation 34 specifies the places where a vehicle may be seized, and provides a power of entry for police officers into private property and premises.

Regulation 35 ensures that a defect in a vehicle seizure order or its execution will not void the order or result in trespass by the officer.

Regulations 36 to 43 make provision as to the removal, storage, release, sale, disposal, ownership and treatment of the proceeds of sale of seized vehicles.

Schedule 1 prescribes the forms to be used in connection with applications made under these Regulations.

Schedule 2 sets out the rates to be used in determining the amount to be deducted from a debtor's earnings under an attachment of earnings order.

Schedule 3 prescribes the charges that shall be levied in respect of the removal, storage and disposal of vehicles seized under a vehicle seizure order.

An Explanatory Memorandum has been produced and is available from Criminal Justice Policy and Legislation Division, Department of Justice, Massey House, Stormont Estate, Belfast, BT4 3TA, or online alongside this Statutory Rule at <http://www.legislation.gov.uk/nisr>

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