

SCHEDULES

SCHEDULE 7

TRANSFER OF FINE ORDERS

Northern Ireland

- 3 After section 104 of the Magistrates' Courts Act (Northern Ireland) 1964 there shall be inserted :—

“104A Power to order transfer of fines.

- (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 section 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 section 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.

104B Transfer of fines from elsewhere in United Kingdom.

- (1) Where a transfer of fine order under section 72A of the Magistrates' Courts Act 1952 or section 403 of the Criminal Procedure (Scotland) Act 1975 provides that payment of a sum shall be enforceable in a petty sessions district in Northern Ireland, a court of summary jurisdiction acting for that district and the clerk of that court shall, subject to subsection (2), have all the like functions under any statutory provision in respect of the sum (including power to make an order under section 104A) 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 1952 or, as the case may be, 1975 in respect of the sum before the making of the transfer of fine order had been made by that court.

Status: This is the original version (as it was originally enacted).

- (2) Where a transfer of fine order under section 72A of the Magistrates' Courts Act 1952 or section 403 of the Criminal Procedure (Scotland) Act 1975 provides for the enforcement of a fine originally imposed by the Crown Court, the term of imprisonment which may be imposed under this Act 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 4.”.