



2011 CHAPTER 24

PART 6

ALTERNATIVES TO PROSECUTION

CHAPTER 1

PENALTY NOTICES

Procedure

Registration of penalty

67.—(1) Where the fixed penalty clerk receives a registration certificate in respect of any sum payable in default, the clerk must register that sum for enforcement as a fine by entering it in the Order Book of a court of summary jurisdiction.

(2) On registering any sum under this section for enforcement as a fine, the fixed penalty clerk must give to the defaulter notice of registration—

- (a) specifying the amount of that sum and requiring payment of it by such date, not less than [F128 days] from the date of registration, as may be specified in the notice; and
- (b) giving the information with respect to the offence included in the registration certificate by virtue of section 66(5)(a).

(3) On the registration of any sum in the Order Book of a court of summary jurisdiction by virtue of this section, any statutory provision referring (in whatever terms) to a fine imposed or a sum adjudged to be paid by a conviction of such a court shall, subject to regulations made under subsection (4), have

Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2011, Section 67. (See end of Document for details)

effect in the case in question as if the sum so registered were a fine imposed by that court on the conviction of the defaulter on the date of the registration.

[^{F2}(3A) The fixed penalty clerk must refer the case to a district judge (magistrates' courts) for the judge to consider whether to make a collection order; and the order may be made without a court hearing.

(3B) Where a collection order is made in that case, the date specified in the order as the date by which the sum due must be paid must, unless the court directs otherwise, be the same as the date specified in the notice of registration under subsection (2)(a).]

(4) The Department may make such regulations with respect to the enforcement of payment of sums registered under this section as it considers appropriate.

(5) Regulations under subsection (4) may in particular—

- (a) modify the provisions of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26) relating to the satisfaction and enforcement of sums adjudged to be paid by a conviction, as they have effect by virtue of subsection (3) in relation to sums registered under this section; and
- (b) make such incidental, supplemental or consequential provision (including provision to modify a statutory provision) as appears to the Department to be expedient.

(6) In subsection (5) “modify” includes the making of additions, omissions, exceptions and amendments.

Textual Amendments

- F1** Words in s. 67(2)(a) substituted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\)](#), s. 61(2), [Sch. 2 para. 7\(1\)](#); S.R. 2018/99, art. 2(c)
- F2** S. 67(3A)(3B) inserted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\)](#), s. 61(2), [Sch. 2 para. 7\(2\)](#); S.R. 2018/99, art. 2(c)

Commencement Information

- I1** S. 67 in operation at 6.6.2012 by [S.R. 2012/214](#), [art. 2\(m\)](#)

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