

Justice Act (Northern Ireland) 2016

EXPLANATORY NOTES

OVERVIEW OF THE ACT

The Collection and Enforcement of Financial Penalties

9. Part 1 of the Act creates an entirely new regime for the collection and enforcement of financial penalties. It creates collection officers whose function it will be to operate and enforce collection orders as imposed by courts. Collection officers will be designated in law by the Department with a series of powers, provided by way of the collection order, which will be designed to, by and large, replace the current police role in collection and enforcement.
10. Collection officers will be able to allow the defaulter extra time to pay or to make payment by instalments. If that were to prove difficult or unsuccessful, collection officers would be able to consider a deductions order whereby payments to clear the outstanding penalty could be deducted from the debtor's earnings or, in appropriate circumstances, from certain welfare benefits. The debtor will be able to agree to this approach in the first instance though a compulsory approach could also be followed if appropriate.
11. Where payment continues to be difficult or there is more wilful refusal the collection officer will be able to refer the case back to court. Along with its various options for dealing with default, the Court may impose a bank account order whereby payment can be directed from a bank account or a vehicle seizure order whereby a vehicle may be seized pending payment.
12. Underpinning the package therefore is court retention of the core independent role in the sentencing process - it will be the Court that sets the collection order for collection officers to apply. Courts will at the same time retain their sentencing and default powers with any default following a collection order process leading to a further court hearing where the defaulter can have his/her case reviewed.
13. Other enforcement principles and procedures are created in the Act. Adjustments will be made to the community-based supervised activity order to increase the level of penalty to which it can apply and to allow it to apply to other financial penalties beyond the fine (as it is currently limited). Changes are made to prevent any child going into custody solely for non-payment of a penalty. For adults who nevertheless end up in prison

*These notes refer to the Justice Act (Northern Ireland)
2016 (c.21) which received Royal Assent on 12 May 2016*

for default – and there will have been a wide range of options and procedures applied before imprisonment can occur – remission of their prison sentence will be removed requiring them to serve the default period in full.