

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

Justice Act (Northern Ireland) 2016

EXPLANATORY NOTES

SCHEDULES

Schedule 2

Collection Orders: Minor and Consequential Amendments

Paragraph 1: Criminal Justice Act (Northern Ireland) 1945

This paragraph amends the 1945 Act to alter the court's powers of enforcement where a collection order is in force and to define what a collection order is.

Paragraph 2: Mines Act (Northern Ireland) 1969

This paragraph amends the 1969 Act to allow for payment of the costs of an inquiry under Schedule 3 to the Act to be subsumed into the collection order regime at the discretion of a district judge (magistrates' courts).

Paragraph 3: Magistrates' Courts (Northern Ireland) Order 1981

This paragraph amends the 1981 Order to include a definition of "collection order" at Article 2 (para. 3(1)), to prevent applications to the court for further time to pay or variation of an instalment order under Article 91 where a collection order has been made (para. 3(2)), to stop the grant of a warrant under Article 92 in a case of default where a collection order has been imposed (para. 3(3)), to allow the collection officer to make a winding up application under Article 92A, rather than the clerk of petty sessions, in a case where a collection order has been imposed (para. 3(4)) and to allow the transfer of fines from elsewhere in the United Kingdom under Article 96 to be subject to the imposition of a collection order (para. 3(5)).

Paragraph 4: Police and Criminal Evidence (Northern Ireland) Order 1989

This paragraph amends the 1989 Order to ensure that a warrant of commitment for default under the Act is treated the same as a similar warrant under the Magistrates' Courts (Northern Ireland) Order 1981.

Paragraph 5: Road Traffic Offender (Northern Ireland) Order 1996

This paragraph amends the 1996 Order in relation to fixed penalties. It inserts a definition of “collection order” (para. 4(1)), changes the time limit for registration of a sum payable in default (para.4(2)), allows for a referral to a district judge (magistrates’ courts) to decide whether a collection order should be imposed (para. 4(3)), allows for a collection order to be included as a proceeding for enforcing payment of the sum (para. 4(4)) and allows for a collection order to be made with regards to a sum payable in default without the need for a court hearing (para. 4(5)).

Paragraph 6: Criminal Justice and Immigration Act 2008

This paragraph amends section 88 of the 2008 Act to allow fines from outside the UK to be considered for a collection order (para. 6(1)(b)) and to insert new subsection (6ZA) to refer to Part 9 of the Magistrates Courts (Northern Ireland) Order 1981 and Chapter 1 of Part 1 of this Act as legislation which constructs mechanisms for enforcement of sums adjudged to be paid.

Paragraph 7: Justice Act (Northern Ireland) 2011

This paragraph amends the 2011 Act to change the time limits for registration of a fixed penalty (para. 7(1)), to provide for the clerk of petty sessions to refer the case to a district judge (magistrates’ courts) to decide whether to impose a collection order when a fixed penalty is registered (para. 7(2)), to allow a collection order to be included as a method of enforcing payment of the sum (para. 7(3) & (4)) and to provide a definition of “collection order” within that Act (para. 7(5)).

Paragraph 8: Justice Act (Northern Ireland) 2015

This paragraph amends the 2015 Act to change the time limits for registration of prosecutorial fines (para. 8(1)), to provide for the clerk of petty sessions to refer the case to a district judge (magistrates’ courts) to decide whether to impose a collection order when a prosecutorial fine is registered (para. 8(2)), to allow a collection order to be included as a method of enforcing payment of the sum (para. 8(3) & (4)) and to provide a definition of “collection order” within that Act (para. 8 (5)).