



2016 CHAPTER 21

PART 1

FINES AND OTHER PENALTIES: ENFORCEMENT

CHAPTER 1

Collection of Fines etc.

Default on payment

Power to issue arrest warrant where debtor fails to attend hearing

10.—(1) This section applies where, in the case of a debtor who is an individual—

- (a) a summons is issued under section 6(10) or 8(3), but
- (b) the debtor does not appear before court as required by the summons.

(2) The court before which the debtor was required to appear may issue a warrant for the debtor's arrest if—

- (a) it is not satisfied that the summons was served on the debtor or that the debtor is evading service but is satisfied that a reasonable attempt has been made to serve the summons on the debtor,
- (b) it is satisfied that the debtor is aware of the liability to pay the sum due and of the possible consequences of defaulting on the payment,
- (c) it is considering the possibility of issuing a warrant to commit the debtor to prison under section 9(1)(i), and

Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Section 10. (See end of Document for details)

(d) it is satisfied that issuing a warrant for the debtor's arrest instead of reissuing the summons is proportionate to the objective of securing the debtor's appearance before the court.

(3) On issuing a warrant under this section, the court must endorse the warrant for bail so as to direct that, once arrested, the debtor must be released on entering into the recognizance specified in the endorsement.

(4) A warrant under this section may be executed only by a constable.

(5) A warrant under this section is not to be regarded for the purposes of Article 19(1)(a)(i) of the Police and Criminal Evidence (Northern Ireland) Order 1989 as a warrant issued in connection with or arising out of criminal proceedings.

Commencement Information

II S. 10 in operation at 1.6.2018 by S.R. 2018/99, art. 2(a)

Changes to legislation:

There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Section 10.