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STATUTORY INSTRUMENTS

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**1996 No. 3160**

**The Criminal Justice (Northern Ireland) Order 1996**

**<sup>F1</sup>PART II**

**TREATMENT OF OFFENDERS**

*Financial penalties*

**Fixing of fines**

**29.**—(1) Before fixing the amount of any fine to be imposed on an offender who is an individual, a court shall inquire into his financial circumstances.

(2) The amount of any fine fixed by a court shall be such as, in the opinion of the court, reflects the seriousness of the offence.

(3) In fixing the amount of any fine to be imposed on an offender (whether an individual or other person), a court shall take into account the circumstances of the case including, among other things, the financial circumstances of the offender so far as they are known, or appear, to the court.

[<sup>F1</sup>(3A) In applying paragraph (3), a court must not reduce the amount of a fine on account of any offender levy it orders the offender to pay under section 1 of the Justice Act (Northern Ireland) 2011, except to the extent that the offender has insufficient means to pay both.]

(4) Where—

(a) an offender has been convicted in his absence in pursuance of Article 23 or 24 of the Magistrates' Courts (Northern Ireland) Order 1981 (non-appearance of accused), or

(b) an offender—

(i) has failed to comply with an order under Article 30(1); or

(ii) has otherwise failed to co-operate with the court in its inquiry into his financial circumstances,

[<sup>F2</sup>or

(c) the parent or guardian of an offender who is under the age of [<sup>F3</sup> 18] years—

(i) has failed to comply with an order under Article 30(2A); or

(ii) has otherwise failed to co-operate with the court in its inquiry into his financial circumstances,]

and the court considers that it has insufficient information to make a proper determination of the financial circumstances of the offender, it may make such determination as it thinks fit.

(5) Paragraph (3) applies whether taking into account the financial circumstances of the offender has the effect of increasing or reducing the amount of the fine.

[<sup>F2</sup>(5A) For the purposes of any order under Article 35 of the Criminal Justice (Children) (Northern Ireland) Order 1998 against a parent or guardian of an officer (parent or guardian to pay fine, etc. , instead of child)—

**Changes to legislation:** *The Criminal Justice (Northern Ireland) Order 1996, Section 29 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) this Article and Article 32 shall have effect (so far as applicable) as if any reference to the financial circumstances of the offender were a reference to the financial circumstances of the parent or guardian; but
  - (b) for the purposes of any such order made against the appropriate authority (within the meaning of that Order) paragraph (1) shall not apply.]
- (6) The amendments made by Schedule 3 shall have effect.

<b>F1</b>	Art. 29(3A) inserted (6.6.2012) by <a href="#">Justice Act (Northern Ireland) 2011 (c. 24)</a> , <b>ss. 1(9)</b> , 111(3) (with s. 106(4), <a href="#">Sch. 6 para. 1</a> ); <a href="#">S.R. 2012/214</a> , art. 2(c)
<b>F2</b>	<a href="#">1998 NI 9</a>
<b>F3</b>	<a href="#">2002 c. 26</a>

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**Changes and effects yet to be applied to :**

- [Instrument rev. in pt. by 1998 c. 40 s.9\(1\)\(2\)Sch.1 Pt.II para.10Sch.2 Pt.II](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [Sch. 2 para. 9\(1\)\(a\)\(i\) words repealed by 2015 c. 9 \(N.I.\) Sch. 1 para. 112\(5\)\(e\)Sch. 9 Pt. 1](#)
- [art. 44A\(4\) words substituted by S.I. 2008/1216 \(N.I.\) Sch. 5 para. 7\(9\) \(This amendment not applied to \[legislation.gov.uk\]\(#\). It is thought that the correct affected document should be S.I. 1998/1504 \(N.I. 9\), art. 44A\(4\). The correction will be made as soon as we get the approved amended document from the relevant office\)](#)
- [art. 53\(1\) art. 53 renumbered as art. 53\(1\) by 2019 c. 17 s. 44\(6\)](#)
- [art. 53\(1\)\(a\) substituted by 2019 c. 17 s. 43\(2\)](#)
- [art. 53\(2\)-\(9\) inserted by 2019 c. 17 s. 44\(7\)](#)
- [art. 54A inserted by 2019 c. 17 s. 37\(3\)](#)