

Status: Point in time view as at 13/05/2016. This version of this schedule contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, SCHEDULE 2. (See end of Document for details)

SCHEDULES

VALID FROM 01/06/2018

SCHEDULE 2

Section 28.

COLLECTION ORDERS: MINOR AND CONSEQUENTIAL AMENDMENTS

Criminal Justice Act (Northern Ireland) 1945

1.—(1) In section 35 (powers of courts in relation to fines and forfeited recognizances), in subsection (1), in paragraph (e) at the end insert “, unless there is a collection order in relation to the amount concerned”.

(2) After section 35(4A) insert—

“(4B) In a case where there is a collection order, the power to make the application referred to in subsection (4A) is instead exercisable by the collection officer responsible for securing compliance with the order.”.

(3) In section 35(5) for “the last foregoing sub-section” substitute “subsection (4)”.

(4) After section 35(7) insert—

“(8) In this section, “collection order” means an order under section 3 of the Justice Act (Northern Ireland) 2016.”.

Mines Act (Northern Ireland) 1969

2 In Schedule 3 (inquiries into fitness of holders of certificates of competency), after paragraph 9 insert—

“**9A** The tribunal, having received an application under paragraph 9, must refer it to a district judge (magistrates' courts) for the judge to consider whether to make a collection order under section 3 of the Justice Act (Northern Ireland) 2016; and the order may be made without a court hearing.”.

Magistrates' Courts (Northern Ireland) Order 1981

3.—(1) In Article 2(3) (interpretation) at the appropriate place insert—

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““collection order” means (except in Article 96(1B)) an order under section 3 of the Justice Act (Northern Ireland) 2016;”.

(2) In Article 91 (payment of sums adjudged to be paid by a conviction), in paragraph (4) at the end insert “ , unless there is a collection order in relation to the sum ”.

(3) In Article 92 (enforcing payment of a sum adjudged to be paid by a conviction), in paragraph (4) at the end insert “ ; but this does not apply where there is a collection order in relation to the sum ”.

(4) In Article 92A (fines imposed on companies), after paragraph (1) insert—

“(1A) In a case where there is a collection order, the power to make the application referred to in paragraph (1) is instead exercisable by the collection officer responsible for securing compliance with the order.”

(5) In Article 96 (transfer of fines elsewhere in the United Kingdom), after paragraph (1) insert—

“(1A) The clerk of a court of summary jurisdiction acting for the district in question must refer the transfer of fine order 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.

(1B) The duty under paragraph (1A) applies whether or not a collection order under Schedule 5 to the Courts Act 2003 or an enforcement order under section 226B of the Criminal Procedure (Scotland) Act 1995 has been made in relation to the sum to which the transfer of fine order relates.”

Police and Criminal Evidence (Northern Ireland) Order 1989

4 In Article 19(1) (power of constable to enter and search), in subparagraph (a), after paragraph (ii) insert “; or

(iii) a warrant of commitment issued under section 9(1)(i) of the Justice Act (Northern Ireland) 2016 (default by debtor);”.

Road Traffic Offenders (Northern Ireland) Order 1996

5.—(1) In Article 2(2) (interpretation) at the appropriate place insert—
““collection order” means an order under section 3 of the Justice Act (Northern Ireland) 2016;”.

(2) In Article 76 (registration of sums payable in default), in paragraph (2) (a), for “21 days” substitute “ 28 days ”.

(3) After Article 76(3) insert—

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“(3A) The clerk of petty sessions 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 paragraph (2)(a).”

(4) In Article 79 (provisions supplementary to Articles 77 and 78 (which deal with cases where the registration of certain notices is invalidated)), in paragraph (5), after “enforcing payment of that sum” insert “ (including the making of a collection order) ”.

(5) In Part 2 of Schedule 2 (statutory statement of facts), in paragraph 3(3)(c), after “the person on whom the notice to owner is served” insert “ and a collection order may be made in that person's case without any court hearing ”.

Criminal Justice and Immigration Act 2008

6.—(1) In section 88 (international co-operation in relation to criminal justice matters: procedure in Northern Ireland on receipt of certificate by clerk of petty sessions), in subsection (3)—

(a) after “must decide” insert “—

(a)”,
and

(b) at the end insert “, and

(b) if it is satisfied that none of the grounds for refusal apply, whether to make a collection order under section 3 of the Justice Act (Northern Ireland) 2016.”

(2) In section 88(6) for the words from the beginning to “that Part,” substitute “ The enactments specified in subsection (6ZA) ”.

(3) After section 88(6) insert—

“(6ZA) The enactments specified in this subsection are—

(a) Part 9 of the Magistrates' Courts (Northern Ireland) Order 1981 and any instrument made under that Part;

(b) Chapter 1 of Part 1 of the Justice Act (Northern Ireland) 2016 and any instrument made under that Chapter.”

Justice Act (Northern Ireland) 2011

7.—(1) In section 67 (registration of fixed penalty), in subsection (2)(a), for “21 days” substitute “ 28 days ”.

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(2) After section 67(3) insert—

“(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).”

(3) In section 68 (challenge to notice), in subsection (9), after “enforcing payment of that sum” insert “ (including the making of a collection order) ”.

(4) In section 69 (setting aside of sum enforceable under section 67), in subsection (5), after “enforcing payment of that sum” insert “ (including the making of a collection order) ”.

(5) In section 70 (interpretation) at the appropriate place insert—

““collection order” means an order under section 3 of the Justice Act (Northern Ireland) 2016;”.

Justice Act (Northern Ireland) 2015

8.—(1) In section 24 (prosecutorial fines: registration of sum payable in default), in subsection (2)(a), for “21 days” substitute “ 28 days ”.

(2) After section 24(3) insert—

“(3A) The fines 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).”

(3) In section 25 (challenge to notice), in subsection (7), after “enforcing payment of that sum” insert “ (including the making of a collection order) ”.

(4) In section 26 (setting aside of sum enforceable under section 24), in subsection (3), after “enforcing payment of that sum” insert “ (including the making of a collection order) ”.

(5) In section 27 (interpretation), at the appropriate place insert—

““collection order” means an order under section 3 of the Justice Act (Northern Ireland) 2016;”.

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