



## 2016 CHAPTER 21

### **PART 1**

#### **FINES AND OTHER PENALTIES: ENFORCEMENT**

##### **CHAPTER 1**

Collection of Fines etc.

##### *Collection officers and orders*

##### **Collection order**

**3.—(1)** The court referred to in section 1(1)(b) must make an order (a “collection order”) relating to the payment of the sum due, unless it appears to the court that it is impracticable or inappropriate to do so.

(2) The court may not make a collection order in so far as the sum due consists of an amount payable under a confiscation order under Part 4 of the Proceeds of Crime Act 2002.

(3) Where a collection order is made, the powers of a court to deal with the liability of the debtor to pay the sum due are subject to the provisions of this Chapter and to regulations made under it.

(4) A collection order must—

- (a) state the amount of the sum due,
- (b) if the sum due consists of separate amounts, state each separate amount,
- (c) if part of the sum due has already been paid, state the amount already paid and the outstanding amount,

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- (d) contain information about how payments may be made under the terms of the order,
  - (e) contain information about how to contact the collection officer responsible for securing compliance with the order,
  - (f) contain information about the effect of the order and the consequences of failing to comply with it, and
  - (g) contain the additional provision required by section 4(3) or (4).
- (5) Where a court makes a collection order, it must—
- (a) serve the order on the debtor, and
  - (b) send a copy to the collection officer.
- (6) Where the debtor appeals against the conviction or sentence in a case in which a collection order has been made, the collection order is suspended until the appeal is determined or abandoned.
- (7) In a case where, before the commencement of this section, a person has defaulted on payment of a sum of the kind mentioned in section 1—
- (a) if a court has yet to deal with the person for the default, the proper officer may refer the case to the court which is responsible for enforcing payment of the sum for it to consider whether to make a collection order;
  - (b) if a court has already dealt with the person for the default, a collection order may not be made.
- (8) In subsection (7), “proper officer” means—
- (a) in relation to a magistrates' court, the clerk of petty sessions;
  - (b) in relation to the Crown Court, the chief clerk.

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**Commencement Information**

**II** S. 3 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 3.