



2016 CHAPTER 21

PART 1

FINES AND OTHER PENALTIES: ENFORCEMENT

CHAPTER 1

Collection of Fines etc.

*Default on payment*

**Powers of court on referral of debtor's case**

**9.—(1)** At the hearing of a debtor's case on a referral under section 6, the responsible court may—

- (a) extend the period within which payment of the outstanding amount is required;
- (b) permit payment of the outstanding amount by instalments of specified amounts on or before specified dates;
- (c) in a case where the debtor is an individual, order the collection officer to make an application for deduction from benefits or make an attachment of earnings order (even if either of those has previously been done in that case and regardless of whether the debtor consents);
- (d) make a bank account order (whether or not the collection officer has made an interim bank account order in relation to the debtor) (see section 22);
- (e) make a vehicle seizure order in relation to a vehicle registered in the debtor's name (see section 23);
- (f) issue a warrant of distress for levying the outstanding amount;

- (g) if the debtor is an individual aged 18 or over, make a supervised activity order under Article 45 of the Criminal Justice (Northern Ireland) Order 2008;
  - (h) if the debtor is an individual aged 16 or 17, make an attendance centre order under Article 37 of the Criminal Justice (Children) (Northern Ireland) Order 1998;
  - (i) issue a warrant committing the debtor to prison in default of the outstanding amount;
  - (j) remit the whole or part of the outstanding amount, having regard to any change in the debtor's circumstances since the conviction concerned.
- (2) At the hearing of a debtor's case on a referral under section 8, the responsible court must consider whether to make a collection order; and—
- (a) where the court does so, subsection (1) applies as if a referral had been made under section 6;
  - (b) where the court does not do so, it may act as mentioned in subsection (1) (a), (b) or (d) to (j).
- (3) The court may not act as mentioned in subsection (1)(g) or (h) without having considered and dismissed each of the options under subsection (1)(a) to (f).
- (4) The court may not act as mentioned in subsection (1)(i) or (j) without having considered and dismissed the option under subsection (1)(g) or (h) (and, accordingly, each of the options under subsection (1)(a) to (f)).
- (5) Where the court decides to act as mentioned in subsection (1)(g) or (i), or decides what action to take in the case of a debtor who is aged under 18, the court must give reasons for its decision.
- (6) In a case where an interim bank account order is in force—
- (a) the collection officer must attend the hearing in order to give such oral evidence as the court may require, and
  - (b) the deposit-taker (as well as the debtor) may make representations as to why a bank account order should not be made.
- (7) Where the court considers that it would be appropriate to make a bank account order, but the amount specified in the order would be less than the outstanding amount, the court may, in addition to making a bank account order, take such other action under subsection (1) as it considers appropriate.
- (8) Where the court takes action under subsection (1) otherwise than by making a bank account order, any interim bank account order in force in relation to the debtor is discharged.
- (9) Where the court issues a warrant of committal under subsection (1)(i), the length of the period of committal as pronounced by the court is to be reduced by the length of any period during which the debtor has, in the case to which

the hearing under this section relates, been remanded or committed in custody under section 12 (but not under subsection (7) of that section).

(10) In a case where the sum due is a sum treated as if it were adjudged to be paid by or imposed on a conviction, the reference in subsection (1)(j) to the time of the debtor's conviction is to be read as a reference to the time when the liability to the sum due arose.