
STATUTORY INSTRUMENTS

1994 No. 2795

The Criminal Justice (Northern Ireland) Order 1994

PART II

FINES AND PENALTIES

Maximum fines under instruments

Fines on summary conviction for offences punishable on indictment or on summary conviction under instruments

6.—(1) For any offence punishable on conviction on indictment or on summary conviction being an offence created by an instrument made before the coming into operation of this Article under any relevant provision, the maximum fine which may be imposed on summary conviction shall by virtue of this paragraph be the statutory maximum unless the offence is one for which by virtue of the instrument a larger maximum fine may be imposed on summary conviction.

(2) Where apart from this Article the maximum fine would be one amount in the case of a first conviction and a different amount in the case of a second or subsequent conviction, paragraph (1) shall apply irrespective of whether the conviction is a first, second or subsequent one.

(3) Paragraph (1) shall not affect so much of any instrument as (in whatever words) makes a person liable on summary conviction to a fine of a specified amount or to a fine not exceeding a specified amount for each period of a specified length during which a continuing offence is continued.

(4) Where there is under any relevant provision (however framed or worded) passed or made before the coming into operation of this Article a power by instrument to impose penal provisions, being a power which allows the creation of offences punishable on conviction on indictment or on summary conviction, the maximum fine which may in the exercise of that power be authorised on summary conviction in respect of such an offence shall by virtue of this paragraph be the statutory maximum unless some larger maximum fine can be authorised on summary conviction of such an offence by virtue of a relevant provision passed or made before the coming into operation of this Article.

(5) Where there is under any relevant provision (however framed or worded) passed or made before the coming into operation of this Article a power by instrument to create offences punishable on conviction on indictment or on summary conviction, the maximum fine for such an offence so created may be expressed as a fine not exceeding the statutory maximum.

(6) Paragraph (5) has effect in relation to exercises of powers before as well as after the coming into operation of this Article.

(7) An Order in Council under—

- (a) section 1(3) of the Northern Ireland (Temporary Provisions) Act 1972⁽¹⁾; or

(b) Schedule 1 to the Northern Ireland Act 1974⁽²⁾ (including this Order);
is not an instrument for the purposes of this Article.

Offences punishable on summary conviction only under instruments—conversion of references to amounts to references to levels on standard scale

7.—(1) Where under an instrument to which this paragraph applies the maximum fine on conviction of an offence punishable on summary conviction only specified in the instrument is an amount shown in the second column of the standard scale the reference in the instrument to the amount of the maximum fine shall be construed as a reference to the level in the first column of the standard scale corresponding to that amount.

(2) Paragraph (1) applies to any instrument, not being an Order in Council under Schedule 1 to the Northern Ireland Act 1974⁽³⁾, made after 31st August 1984 and before the coming into operation of this Article under any relevant provision.

(3) Paragraph (1) shall not affect so much of any instrument as (in whatever words) makes a person liable on summary conviction to a fine not exceeding a specified amount for each period of a specified length during which a continuing offence is continued.

(4) Where there is—

(a) subject to paragraph (6), under any relevant provision (however framed or worded) passed or made before the coming into operation of this Article,

(b) under any instrument (however framed or worded) made under such a relevant provision, a power by instrument to provide that a person, as regards any offence punishable on summary conviction only (whether or not created by the instrument), shall be liable on conviction to a fine, a person may be so made liable to a fine not exceeding a specified level on the standard scale.

(5) Paragraph (4) has effect in relation to exercises of powers before as well as after the coming into operation of this Article.

(6) An Order in Council under—

(a) section 1(3) of the Northern Ireland (Temporary Provisions) Act 1972⁽⁴⁾; or

(b) Schedule 1 to the Northern Ireland Act 1974;

shall not be an instrument for the purposes of paragraph (4)(a).

Powers of harbour authorities to provide for maximum fines up to level 4 on standard scale

8.—(1) Where in any instrument made—

(a) under any relevant provision; or

(b) under an instrument made under any relevant provision,

a harbour authority may provide that a person, as regards any offence punishable on summary conviction only (whether or not created by the instrument), shall be liable on conviction to a fine not exceeding an amount less than level 4 on the standard scale, the power shall extend by virtue of this Article to making him liable to a fine not exceeding level 4.

(2) Where any relevant provision or instrument made under any relevant provision (“the enabling legislation”) (however expressed) provides that a person who contravenes any provision of an instrument (“a regulatory instrument”) made by a harbour authority—

(a) under the enabling legislation; or

(2) 1974 c. 28

(3) 1974 c. 28

(4) 1972 c. 22

(b) under an instrument made under the enabling legislation,
shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding an amount less than level 4 on the standard scale, the power conferred by the enabling legislation shall by virtue of this Article enable the harbour authority to provide in a regulatory instrument that a person, as regards any such offence created by the regulatory instrument, shall be liable on summary conviction to a fine not exceeding level 4.

(3) In this Article “harbour authority” has the same meaning as in section 38(1) of the Harbours Act (Northern Ireland) 1970⁽⁵⁾.

⁽⁵⁾ 1970 c. 1 (N.I.)