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STATUTORY INSTRUMENTS

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**2008 No. 1216**

**The Criminal Justice (Northern Ireland) Order 2008**

PART 2

SENTENCING

CHAPTER 6

SUPERVISED ACTIVITY ORDERS

**Supervised activity order for default in payment of certain fines**

**45.—**(1) Where—

- (a) an individual over the age of 18 (“the offender”) has been convicted of an offence in respect of which the court has imposed a fine not exceeding £500 on the offender,
- (b) the court would, but for this Article, make an order or issue a warrant for the committal of that person for default in paying that fine or any instalment of that fine by the due date, and
- (c) the court considers a supervised activity order more appropriate than such committal,

the court may, instead of making that order or issuing that warrant, make a supervised activity order in respect of that person

(2) A supervised activity order is an order requiring an offender to—

- (a) attend at a place of supervision for a period specified in the order, and
- (b) engage, during that period, in activities in accordance with instructions given by the supervising officer.

(3) The period specified under paragraph (2)(a) shall not be—

- (a) less than 10 hours; or
- (b) more than—
  - (i) 50 hours if the amount of the fine does not exceed £200; or
  - (ii) 100 hours in any other case.

(4) The Secretary of State may by order—

- (a) amend paragraphs (1)(a) and (3)(b)(i) by substituting for a sum of money specified there such other sum of money as is specified in the order;
- (b) amend paragraph (3)(b)(i) and (ii) by substituting for a number of hours specified there such other number of hours as may be specified in the order.

(5) A supervised activity order in respect of a person comes into force if (and only if) that person fails to pay the fine or any instalment of it before the due date; and in that event the order comes into operation on the day after the due date.

(6) If the person pays part of the fine before the supervised activity order comes into force, the period specified in the order shall be reduced by the proportion which the part of the fine paid bears

to the whole fine, the resulting figure being rounded up or down to the nearest 10 hours; but this paragraph shall not operate to reduce the period to less than 10 hours.

(7) The coming into force of a supervised activity order shall have the effect of discharging the fine mentioned in paragraph (1)(a).

(8) Schedule 3 shall have effect in relation to supervised activity orders.

(9) In this Article and Schedule 3—

“place of supervision” means such place as may be determined for the purposes of a supervised activity order by the supervising officer;

“supervising officer”, in relation to a supervised activity order, means a probation officer assigned in accordance with rules made by the Secretary of State under paragraph 7 of Schedule 3.