
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 188

**The Penalty Notices (Justice Act (Northern Ireland) 2011)
(Enforcement of Fines) Regulations (Northern Ireland) 2012**

Procedure at hearing

7.—(1) Subject to paragraph (2) at the hearing of a complaint the court shall hear the evidence and such representation, if any, as may be made to it by or on behalf of the parties and the court may make such order under the provisions of the Magistrates' Courts (Northern Ireland) Order 1981 relating to the satisfaction and enforcement of sums adjudged to be paid by a conviction (as modified by regulation 8) as it sees fit.

(2) At the hearing of a complaint, if the defendant or his representative on his behalf admits the truth of the complaint the court may make an order without hearing the evidence.

(3) Where at the time and place appointed for the hearing or adjourned hearing of a complaint the defendant fails to appear, the court may adjourn the hearing or, if satisfied that there are no sufficient grounds for adjournment or further adjournment may, subject to paragraphs (4) and (6), proceed in his absence.

(4) Where the defendant fails to appear in answer to a summons issued under regulation 4(2)(a) the court shall only proceed in his absence if it is proved that the summons was duly served on him or that he is evading service of the summons.

(5) Where a defendant appears at the time and place appointed for the hearing or adjourned hearing of a complaint the court may, if the complainant (having in the case of a warrant issued under regulation 4(2)(b) or 5(5) due notice of the defendant's arrest) fails to appear —

- (a) dismiss the complaint;
- (b) order the complaint to be struck out;
- (c) adjourn or further adjourn the hearing; or
- (d) if evidence has been received on a previous occasion, proceed in the absence of the complainant.

(6) Where at the time and place appointed for the hearing or adjourned hearing of a complaint both the complainant and the defendant fail to appear, the court may —

- (a) dismiss the complaint;
- (b) order the complaint to be struck out;
- (c) adjourn or further adjourn the hearing or;
- (d) if evidence has been received on a previous occasion, proceed in the absence of the parties.