
STATUTORY RULES OF NORTHERN IRELAND

2021 No. 93

**The Health Protection (Coronavirus, Restrictions)
Regulations (Northern Ireland) 2021**

PART 7

REGISTRATION CERTIFICATES ETC.

Effect of fixed penalty notice

- 24.**—(1) This regulation applies if a fixed penalty notice is issued to a person under regulation 23.
- (2) If the person asks to be tried for the alleged offence, proceedings may be brought against the person.
- (3) If after the end of the period of 28 days referred to in regulation 23(4)(a)—
- (a) the penalty has not been paid; and
 - (b) the person has not made a request to be tried for the alleged offence;
- a sum equal to one and a half times the amount of the penalty (“default amount”) may be registered under regulation 26 for enforcement against the person (“the defaulter”) as a fine.
- (4) Paragraph (3) does not apply to a fixed penalty under these Regulations of £1,000 or more.

Registration certificates

- 25.**—(1) This regulation applies where a default amount under regulation 24 may be registered under regulation 26 for enforcement against a defaulter as a fine.
- (2) The Chief Constable or an enforcement officer—
- (a) may, in the case of a default amount, issue a certificate (a “registration certificate”) stating that it is registrable under regulation 26 for enforcement against the defaulter as a fine; and
 - (b) must cause a certificate so issued to be sent to the clerk of petty sessions.
- (3) The Chief Constable may authorise a person to carry out the functions of the Chief Constable under paragraph (2).
- (4) A registration certificate must—
- (a) give particulars of the offence to which the penalty notice relates, and
 - (b) state the name and last known address of the defaulter and the default amount.

Registration of penalty

- 26.**—(1) Where the clerk of petty sessions receives a registration certificate in respect of a default amount, the clerk must register that amount for enforcement as a fine by entering it in the Order Book of a court of summary jurisdiction.

(2) On registering an amount under this regulation, the clerk of petty sessions must give to the defaulter notice of registration—

- (a) specifying the default amount and requiring its payment of it by a date, not less than 28 days from the date of registration, as may be specified in the notice, and
- (b) giving the information about the offence included in the registration certificate under regulation 25(4)(a).

(3) On the registration of a default amount in the Order Book, a statutory provision referring (in whatever terms) to a fine imposed or a sum adjudged to be paid by a conviction of the court shall have effect in the case in question as if the amount so registered were a fine imposed by that court on the conviction of the defaulter on the date of the registration.

(4) The clerk of petty sessions must refer the case to a district judge (magistrates' courts) for the judge to consider whether to make a collection order under section 3 of the Justice Act (Northern Ireland) 2016(1).

(5) An order under paragraph (4) may be made without a court hearing.

(6) Where a collection order is made, the date specified in the order as the date by which the default amount must be paid must, unless the court directs otherwise, be the same as the date specified in the notice of registration under paragraph (2)(a).

Challenge to notice

27.—(1) This regulation applies where—

- (a) a person (P) who has received notice of the registration of a default amount under regulation 26 makes a statutory declaration to the effect mentioned in paragraph (2); and
- (b) that declaration is served on the clerk of petty sessions within 21 days of the date on which P received notice of the registration.

(2) The statutory declaration must state—

- (a) that P was not the person to whom the relevant fixed penalty notice was given; or
- (b) that P gave notice requesting to be tried for the alleged offence as permitted by the fixed penalty notice before the end of the period of 28 days specified in that fixed penalty notice.

(3) Where paragraph (2)(a) applies the following shall be void –

- (a) the relevant fixed penalty notice;
- (b) the registration of the default amount under regulation 26; and
- (c) any proceedings taken for its enforcement prior to P's statutory declaration being served.

(4) Where paragraph (2)(b) applies—

- (a) the following shall be void—
 - (i) the registration of the default amount under regulation 26; and
 - (ii) any proceedings taken for its enforcement prior to P's statutory declaration being served; and
- (b) P shall be treated, after P's statutory declaration is served, as if P had given notice requesting to be tried for the alleged offence referred to in P's declaration.

(5) In a case within paragraph (2)(b), Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981 (limitation of time) shall have effect as if for the reference to the time when the offence was committed there were substituted a reference to the date of the statutory declaration made for the purposes of paragraph (1).

(6) Paragraph (7) applies where, on the application of P, it appears to a court of summary jurisdiction that it was not reasonable to expect P to serve, within 21 days of the date on which P received the notice referred to in paragraph (1)(a) a statutory declaration to the effect mentioned in paragraph (2).

(7) The court may accept service of a declaration by P after that period has expired and a statutory declaration so accepted shall be taken to have been served as required by paragraph (1)(b).

(8) In this regulation references to proceedings for enforcing payment of the default amount are references to a process issued or other proceedings taken for or in connection with enforcing payment of that amount (including the making of a collection order).

(9) For the purposes of this regulation, P shall be taken to receive notice referred to in paragraph (1) when P receives notice either of registration under regulation 26 or of proceedings for enforcing payment of the registered default amount.

(10) Nothing in this regulation prejudices a right a person may otherwise have in the case of an action purportedly taken under these Regulations which is not in fact authorised by them.

(11) Accordingly, references in this regulation to the registration of a default amount or to any other action taken under these Regulations are not to be read as implying that the registration or action was validly made or taken.

Setting aside of sum enforceable under regulation 26

28.—(1) A court of summary jurisdiction may, in the interests of justice, set aside a default amount enforceable as a fine under regulation 26.

(2) Where a court sets aside a default amount, it must give a direction that either—

- (a) no further action is to be taken for the alleged offence that gave rise to the fixed penalty notice concerned; or
- (b) that the case is to be treated as if the person concerned had given notice requesting to be tried for that offence.

(3) Where a court gives a direction under paragraph (2)(a), the following shall be void—

- (a) the fixed penalty notice concerned;
- (b) the registration of the default amount under regulation 26; and
- (c) any proceedings taken for enforcing its payment.

(4) Where a court gives a direction under paragraph (2)(b)—

- (a) the following shall be void—
 - (i) the registration of the default amount under regulation 26; and
 - (ii) any proceedings taken for enforcing its payment; and
- (b) Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981 (limitation of time) shall have effect as if for the reference to the time when the offence was committed there were substituted a reference to the date of the setting aside.

(5) In this regulation references to proceedings for enforcing payment of the default amount are references to any process issued or other proceedings taken for or in connection with enforcing payment of that amount (including the making of a collection order).