



2016 CHAPTER 21

PART 1

FINES AND OTHER PENALTIES: ENFORCEMENT

CHAPTER 1

Collection of Fines etc.

Supplementary

Offences

24.—(1) A person guilty of an offence under this Chapter is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) For the purposes of this Chapter, section 20(2) of the Interpretation Act (Northern Ireland) 1954 (corporate liability for offences)—

- (a) applies with the omission of the words “the liability of whose members is limited”, and
- (b) where the affairs of a body corporate are managed by its members, applies in relation to the acts or defaults of a member in connection with the functions of management as if that member were a director of the body corporate.

(3) If an offence under this Chapter is committed by a partnership or proved—

- (a) to have been committed with the consent or connivance of a partner, or
- (b) to be attributable to any neglect on the partner’s part,

the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

(4) In subsection (3), “partner” includes a person purporting to act as such.

Appeals

25.—(1) An appeal against a decision of a collection officer may—

(a) where the responsible court is a magistrates’ court, be made to a court of summary jurisdiction;

(b) where the responsible court is the Crown Court, be made to that Court.

(2) On an appeal under subsection (1), the court may quash or confirm the decision to which the appeal relates.

(3) An appeal against a decision of a magistrates’ court at a hearing under section 9 may be made to a county court.

(4) An appeal against a decision of the Crown Court at a hearing under section 9 may be made to the Court of Appeal, but only with the leave of the Court of Appeal.

(5) An appeal under subsection (1) must be brought before the end of 14 days beginning with the day on which the decision being appealed against was made.

(6) Where an appeal is brought under this section, the collection order is suspended until the appeal is determined or abandoned.

Guidance

26.—(1) The Department of Justice must issue guidance about the operation of this Chapter.

(2) The Department of Justice may from time to time revise guidance under subsection (1); and, where it does so, it must issue the revised guidance.

(3) A collection officer must, in exercising the officer’s functions as such, have regard to guidance under this section.

Interpretation etc.

27.—(1) In this Chapter—

“attachment of earnings order” has the meaning given in section 18(1);

“bank account order” has the meaning given in section 22(1);

“collection officer” has the meaning given in section 2(1);

“collection order” has the meaning given in section 3(1);

“the debtor” has the meaning given in section 1(2);

“deposit-taker” has the meaning given in subsection (2) below;

“interim bank account order” has the meaning given in section 20(1);

“the outstanding amount” has the meaning given in section 1(2);

“registered” has the meaning given in subsection (4) below;

“relevant benefit” has the meaning given in section 14(3);

“the responsible court” has the meaning given in section 6(1);

“statutory provision” has the same meaning as in the Interpretation Act (Northern Ireland) 1954;

“the sum due” has the meaning given in section 1(2);

“vehicle” has the meaning given in subsection (3) below;

(2) “Deposit-taker” means a person who, in the course of a business, may lawfully accept deposits in the United Kingdom; and this definition is to be read with—

(a) section 22 of the Financial Services and Markets Act 2000,

(b) any relevant order under that section, and

(c) Schedule 2 to that Act.

(3) “Vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, except that Article 6 of the Road Traffic (Northern Ireland) Order 1995 (exceptions for certain vehicles) applies as it applies for the purpose of the Road Traffic Orders (as defined by that Order).

(4) “Registered”, in relation to a vehicle, means registered under the Vehicle Excise and Registration Act 1994.

(5) In its application to this Chapter, section 24 of the Interpretation Act (Northern Ireland) 1954 (service of documents) has effect as if the word “registering” were omitted from subsection (1).

(6) The power to make an oral application under this Chapter is, in the case of a company, exercisable by an officer of the company authorised by the company for the purpose.

Minor and consequential amendments

28.—(1) Schedule 2, which contains minor amendments and amendments consequential on the provisions of this Chapter, has effect.

(2) The Department of Justice may by order make such consequential, supplementary or incidental provision as it considers appropriate in consequence of, or for giving full effect to, this Chapter.

(3) An order under subsection (2) may amend, repeal, revoke or otherwise modify any statutory provision.