

STATUTORY INSTRUMENTS

1994 No. 2795 (N.I. 15)

The Criminal Justice (Northern Ireland) Order 1994

2nd November 1994

PART I INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Criminal Justice (Northern Ireland) Order 1994.

(2) This Order shall come into operation on such day or days as the Secretary of State may by order appoint^{F1}.

F1 fully exercised SR 1994/446

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954^{F2} shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“fine” includes a pecuniary penalty but does not include a pecuniary forfeiture or pecuniary compensation;

“relevant provision” means a provision contained in—

- (a) an Act of the Parliament of the United Kingdom;
- (b) an Act of the Parliament of Ireland;
- (c) an Act of the Parliament of Northern Ireland;
- (d) an Order in Council under section 1(3) of the Northern Ireland (Temporary Provisions) Act 1972^{F3};
- (e) an Order in Council under Schedule 1 to the Northern Ireland Act 1974;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

Para. (3) rep. by 1999 c.23

F2 1954 c. 33 (NI)

Changes to legislation: The Criminal Justice (Northern Ireland) Order 1994 is up to date with all changes known to be in force on or before 15 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F3 1972 c. 22

PART II

FINES AND PENALTIES

Financial and other penalties

Increase of certain maxima

3.—(1) In Article 4(8) of the Fines and Penalties (Northern Ireland) Order 1984^{F4} (maximum fine on summary conviction of an offence punishable on conviction on indictment or on summary conviction), in the definition of “prescribed sum” for “£2,000” there shall be substituted “£5,000”.

(2) For Article 5(2) of the Fines and Penalties (Northern Ireland) Order 1984 (standard scale of fines) there shall be substituted—

“(2) The standard scale is shown below—

Level on the scale	Amount of fine
1	£200
2	£500
3	£1,000
4	£2,500
5	£5,000” .

Para. (3) rep. by 1998 NI 9

(4) In the Magistrates' Courts (Northern Ireland) Order 1981^{F5}

- (a) in Article 54(1)(b)(i) (fine in lieu of imprisonment), for “£400” there shall be substituted “level 3 on the standard scale”;
- (b) in Article 119(1) (penalty for failure to appear or failure to comply), for “£50” there shall be substituted “level 4 on the standard scale”.

(5) In the statutory provisions specified in column 1 of Schedule I (the general description of which is given in column 2 of that Schedule), for the amount specified in column 3 of that Schedule there shall be substituted the amount specified in column 4 of that Schedule.

F4 1984 NI 3
F5 1981 NI 26

Period of imprisonment for default

4.—(1) In section 35 of the Criminal Justice Act (Northern Ireland) 1945^{F6} (powers of Crown Court or county courts in relation to fines and forfeited recognizances) for subsection (2) there shall be substituted—

- “(2) The periods set out in the second column of the following Table shall be the maximum periods of imprisonment or detention which may be fixed under subsection (1)
- (c) applicable respectively to the amounts set out opposite thereto—

TABLE

An amount not exceeding £200	7 days
An amount exceeding £200 but not exceeding £500	14 days
An amount exceeding £500 but not exceeding £1,000	28 days
An amount exceeding £1,000 but not exceeding £2,500	45 days
An amount exceeding £2,500 but not exceeding £5,000	3 months
An amount exceeding £5,000 but not exceeding £10,000	6 months
An amount exceeding £10,000 but not exceeding £20,000	12 months
An amount exceeding £20,000 but not exceeding £50,000	18 months
An amount exceeding £50,000 but not exceeding £100,000	2 years
An amount exceeding £100,000 but not exceeding £250,000	3 years
An amount exceeding £250,000 but not exceeding £1 million	5 years
An amount exceeding £1 million	10 years” .

(2) For the Table in paragraph 1 of Schedule 3 to the Magistrates' Courts (Northern Ireland) Order 1981^{F7} (maximum periods of imprisonment for default in paying sums adjudged to be paid by a conviction), there shall be substituted the following Table—

“TABLE

An amount not exceeding £200	7 days
An amount exceeding £200 but not exceeding £500	14 days
An amount exceeding £500 but not exceeding £1,000	28 days
An amount exceeding £1,000 but not exceeding £2,500	45 days
An amount exceeding £2,500 but not exceeding £5,000	3 months
An amount exceeding £5,000 but not exceeding £10,000	6 months
An amount exceeding £10,000	12 months” .

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F7 1981 NI 26

Fines on companies

5.—(1) After section 35(4) of the Criminal Justice Act (Northern Ireland) 1945^{F8} (powers of Crown Court or county courts in relation to fines and forfeited recognizances) there shall be inserted—

“(4A) Where—

- (a) the Crown Court has imposed a fine on a company; and
- (b) the court has issued a warrant of distress under section 3 of the Fines Act (Ireland) 1851 for the purpose of levying the amount of the fine; and
- (c) it appears on the return to the warrant that the money and goods of the company are insufficient to satisfy the amount of the fine with the costs and charges of levying the same,

the chief clerk may make an application in relation to the company under Article 22 or 104 of the Insolvency (Northern Ireland) Order 1989 (administration or winding up).”

(2) After Article 92 of the Magistrates' Courts (Northern Ireland) Order 1981^{F9} there shall be inserted—

“Fines imposed on companies

92A.—(1) Where—

- (a) a magistrates' court has, or is treated by any statutory provision as having, adjudged a company by a conviction to pay a sum; and
- (b) the court has issued a warrant of distress under Article 92(1)(a) for the purpose of levying the sum; and
- (c) it appears on the return to the warrant that the money and goods of the company are insufficient to satisfy the sum with the costs and charges of levying the same,

the clerk of petty sessions may make an application in relation to the company under Article 22 or 104 of the Insolvency (Northern Ireland) Order 1989 (administration or winding up).”.

F8 1945 c. 15 (NI)

F9 1981 NI 26

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^{F10}; or

(b) Schedule 1 to the Northern Ireland Act 1974^{F11} (including this Order);

is not an instrument for the purposes of this Article.

F10 1972 c. 22

F11 1974 c. 28

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^{F12}, 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.