Changes to legislation: *The Fines and Penalties (Northern Ireland) Order 1984 is up to date with all changes known to be in force on or before 08 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*

STATUTORY INSTRUMENTS

1984 No. 703 (N.I. 3)

The Fines and Penalties (Northern Ireland) Order 1984

- - - - - - *18th May 1984*

Modifications etc. (not altering text)

C1 Order: functions transferred from Secretary of State to Department of Justice (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 4(1)(2), **Sch. 1** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

Introductory

Title and commencement

1.—(1) This Order may be cited as the Fines and Penalties (Northern Ireland) Order 1984.

(2) This Order shall come into operation on the expiration of 2 months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 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;

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

Offences punishable on conviction on indictment

Fines on conviction on indictment

3. Where a person convicted on indictment of any offence (whether punishable only on conviction on indictment or either on conviction on indictment or on summary conviction) would, apart from this Article, be liable to a fine of, or not exceeding, a specified amount, he shall by virtue of this Article be liable to a fine of any amount.

Offences punishable on conviction on indictment or on summary conviction

Fines on summary conviction

4.—(1) For any offence punishable on conviction on indictment or on summary conviction being an offence under a relevant provision, the maximum fine which may be imposed on summary conviction shall by virtue of this paragraph be the prescribed sum unless the offence is one for which by virtue of a statutory provision other than this paragraph a larger fine may be imposed on summary conviction.

(2) In the Magistrates' Courts (Northern Ireland) Order 1981—

(a) in Article 46(4) (maximum fine on summary conviction of an indictable offence tried summarily) for "£1,000" there shall be substituted the words " the prescribed sum within the meaning of Article 4 of the Fines and Penalties (Northern Ireland) Order 1984 ";

(b) in Article 54 (fine in lieu of imprisonment)—

(i) in paragraph (1) for the words "a summary offence" there shall be substituted the words " an offence ";

(ii) for the words "not exceeding £200" there shall be substituted the words—

"which—

(a) for an offence punishable on conviction on indictment or on summary conviction, shall not exceed the prescribed sum within the meaning of Article 4 of the Fines and Penalties (Northern Ireland) Order 1984; and

(b) for an offence punishable on summary conviction only, shall—

(i) not exceed £200; and

(ii) not be of such an amount as would subject the offender, in default of payment of fine, to a longer term of imprisonment or detention than the term to which he is liable on conviction of the offence";

(iii) paragraph (2) shall be omitted.

(3) Where, by virtue of any relevant provision, a person summarily convicted of an offence punishable on conviction on indictment or on summary conviction would, apart from this Article, be liable to a maximum fine of one amount in the case of a first conviction and of 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.

(4) Paragraph (1) shall not affect so much of any relevant provision 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.

(5) Where, as regards any offence punishable on conviction on indictment or on summary conviction, there is under any statutory provision (however framed or worded) a power by instrument to restrict the amount of the fine which on summary conviction can be imposed in respect of that offence—

(a) paragraph (1) shall not affect that power or override any restriction imposed in exercise of that power; and

(b) the amount to which that fine may be restricted in exercise of that power shall be any amount less than the maximum fine which could be imposed on summary conviction in respect of the offence apart from any restriction so imposed.

Para.(6) rep. by 1994 NI 15

(7) Where any relevant provision provides that the maximum fine which may be imposed on summary conviction shall not exceed the statutory maximum, statutory maximum shall be construed as referring to the prescribed sum within the meaning of this Article;[F1]. . .

(8) In this Article—

"the prescribed sum" means**[**[F1] £5,000**]** or such sum as is for the time being substituted in this definition by an order under Article 17;

"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; or

(e) an Order in Council under Schedule 1 to the Northern Ireland Act 1974;

being such an Act or Order passed or made—

(i) before this Order is made; or

(ii) in the case of an Act, in the same Session of Parliament; or

(iii) in the case of an Order, in the same calendar year.

(9) Schedule 1 shall have effect for the purpose of altering the penalties available on summary conviction of certain offences under the Misuse of Drugs Act 1971 punishable on conviction on indictment or on summary conviction and paragraph (1) shall not apply on summary conviction of any of the offences under that Act of 1971 mentioned in paragraph 2 of that Schedule.

F1 1994 NI 15

Offences punishable on summary conviction only

The standard scale of fines

5.—(1) There shall be a standard scale of fines for offences punishable on summary conviction only which shall be known as "the standard scale".

[[F2](2) The standard scale is shown below—

[[F2]*Level on the scale]]*	*[*[F2]*Amount of fine]*
[[F2]1**]**	**[**[F2]£200**]**
[[F2]2**]**	**[**[F2]£500**]**
[[F2]3**]**	**[**[F2]£1,000**]**
[[F2]4**]**	**[**[F2]£2,500**]**
[[F2]5**]**	**[**[F2]£5,000**]**

(3) Where any relevant provision—

(a) provides that a person convicted of an offence punishable on summary conviction only shall be liable to a fine or a maximum fine by reference to a specified level on the standard scale; or

(b) confers power by instrument to make a person liable on conviction of an offence punishable on summary conviction only (whether or not created by the instrument) to a fine or maximum fine by reference to a specified level on the standard scale.

it is to be construed as referring to the standard scale for which this Article provides as that standard scale has effect by virtue either of this Article or of an order under Article 17;[F2]. . .

(4) Where—

(a) either—

(i) a relevant provision makes a person liable to a fine or maximum fine on conviction of an offence punishable on summary conviction only; or

(ii) a relevant provision confers power by instrument to make a person liable to a fine or maximum fine on conviction of an offence punishable on summary conviction only (whether or not created by the instrument); and

(b) the amount of the fine or maximum fine for the offence is, whether by virtue of this Order or not, an amount shown in the second column of the standard scale,

a reference to the level in the first column of the standard scale corresponding to that amount shall be substituted for the reference in the provision to the amount of the fine or maximum fine.

(5) Where a relevant provision confers a power such as is mentioned in paragraph (4)(a)(ii), the power shall be construed as a power to make a person liable to a fine or, as the case may be, a maximum fine not exceeding the amount corresponding to the level on the standard scale to which the provision refers by virtue of paragraph (4) or not exceeding a lesser amount.

(6) If an order under Article 17 alters the sums specified in paragraph (2), the second reference to the standard scale in paragraph (4) is to be construed as a reference to that scale as it has effect by virtue of the order.

(7) Subject to paragraph (8), in this Article "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; or

(e) an Order in Council under Schedule 1 to the Northern Ireland Act 1974 (including this Order);

being such an Act or Order (other than this Order) passed or made—

(i) before this Order is made; or

(ii) in the case of an Act, in the same Session of Parliament; or

(iii) in the case of an Order, in the same calendar year.

Para.(8) rep. by 1986 NI 9

(9) This Article shall not affect so much of any relevant provision as (in whatever words) makes a person liable on summary conviction to a maximum fine not exceeding a specified amount for each period of a specified length during which a continuing offence is continued.

F2 1994 NI 15

General increase of fines for offences under Acts and Orders

6.—(1) Subject to Articles 7(1) and 16, for any offence to which this Article applies, being an offence under a relevant provision, the fine or maximum fine which may be imposed on conviction shall be increased to the amount at the appropriate level on the standard scale unless the offence is one for which Article 7(2) provides some other increase.

(2) Where a relevant provision provides for any offence to which this Article applies a fine or maximum fine in respect of a specified quantity or a specified number of things—

(a) that fine or maximum fine shall be treated for the purposes of this Article as being the fine or maximum fine for the offence; and

(b) where that provision also specifies an alternative fine or maximum fine, paragraph (1) shall have effect to increase—

(i) the alternative fine; and

(ii) any amount that the provision specifies as the maximum which a fine under it may not exceed.

(3) Subject to paragraphs (4) and (5), the appropriate level on the standard scale for the purposes of paragraphs (1) and (2) is the level on that scale next above the amount of the fine or maximum fine that falls to be increased.

(4) If the amount of the fine or maximum fine that falls to be increased is £400 or more but less than £500, the appropriate level is £1,000.

(5) Except in respect of—

(a) an offence created by an Act of the Parliament of the United Kingdom passed before 1st January 1949 for which the fine has been altered on or after that date; or

(b) an offence created by such an Act passed on or after that date;

if the amount of the fine or maximum fine that falls to be increased is £20 or more but less than £25, the appropriate level is £50.

(6) Where Article 9 applies, the amount of the fine or maximum fine that falls to be increased is to be taken to be the fine or maximum fine to which a person is liable by virtue of that Article.

(7) This Article shall not affect so much of any relevant provision as (in whatever words) makes a person liable on summary conviction to a fine or maximum fine for each period of a specified length during which a continuing offence is continued.

(8) Where a relevant provision provides for any offence to which this Article applies different fines or maximum fines in relation to different circumstances or persons of different descriptions, they are to be treated separately for the purposes of this Article.

(9) This Article applies to any offence punishable on summary conviction only which—

(a) makes a person liable on conviction to a fine or maximum fine which is less than £1,000; and

(b) in the case of an offence under a provision contained in an Act of the Parliament of the United Kingdom was created not later than 29th July 1977 and for which the fine or maximum fine has not been altered since that date or has only been altered since that date by Article 9.

(10) In this Article "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;