



2016 CHAPTER 21

PART 1

FINES AND OTHER PENALTIES: ENFORCEMENT

CHAPTER 2

Other enforcement procedures

Supervised activity orders

29.—(1) For Article 45 of the Criminal Justice (Northern Ireland) Order 2008 substitute—

“Supervised activity order for default in payment of certain sums

45.—(1) This Article applies where an individual aged 18 or over is liable to pay one or more sums adjudged to be paid by or imposed on conviction of an offence the total of which does not exceed £1,000 and the individual either—

- (a) is in default of payment of the amount outstanding; or
- (b) at the time of sentencing for the offence or at any subsequent time without such default having yet occurred, applies to the court for a supervised activity order.

(2) If the court would, but for this Article, make an order or issue a warrant for the committal of the individual but considers a supervised activity order more appropriate (and does not consider any other non-custodial penalty appropriate), it may instead make a supervised activity order in respect of the individual.

(3) A supervised activity order is an order requiring a person to—

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- (a) attend for a period specified in the order at such place as may be determined by the supervising officer, and
 - (b) engage, during that period, in activities in accordance with instructions given by the supervising officer.
- (4) The period specified under paragraph (3)(a) must not be less than 10 hours; and it must not be more than—
- (a) 50 hours, if the amount specified in the order as outstanding does not exceed £200;
 - (b) 100 hours, if that amount exceeds £200 but does not exceed £500;
 - (c) 150 hours, in any other case.
- (5) The Department of Justice may by order—
- (a) amend paragraph (1) or (4)(a) or (b) by substituting for a sum of money specified there such other sum of money as is specified in the order;
 - (b) amend paragraph (4)(a), (b) or (c) by substituting for a number of hours specified there such other number of hours as is specified in the order.
- (6) A supervised activity order in respect of a person comes into force as soon as it is made.
- (7) Where the person has been engaged for part of the period specified in a supervised activity order, the amount specified in the order as outstanding is reduced by the proportion which the part of the period for which the offender has so far been engaged bears to the whole of the period specified.
- (8) The person's liability for the sums adjudged to be paid by or imposed on the conviction and any supervised activity order made in respect of the outstanding amount of those sums are discharged only by—
- (a) payment of the outstanding amount;
 - (b) the carrying out of the instructions given under the order for the number of hours specified in it; or
 - (c) service of a period of imprisonment imposed under paragraph 5 or 6 of Schedule 3.
- (9) Schedule 3, which makes further provision in relation to supervised activity orders, has effect.
- (10) The references in this Article to a sum adjudged to be paid by or imposed on a conviction include a reference to a sum treated for the purposes of any statutory provision as if it were a sum so adjudged or imposed; and the reference in paragraph (1) to the time of sentencing is accordingly to be read as a reference to the time when the liability arose.

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(11) But the references in this Article to a sum adjudged to be paid by or imposed on a conviction do not include a reference to an amount payable under a confiscation order under Part 4 of the Proceeds of Crime Act 2002.

(12) In this Article and Schedule 3, “supervising officer”, in relation to a supervised activity order, means a probation officer with responsibility for supervising the carrying out of the requirements of the order.”.

(2) In Schedule 3 to the Criminal Justice (Northern Ireland) Order 2008 (supervised activity orders: further provisions), in paragraph 1(a), omit “, or will be residing when the order comes into force,”.

(3) In each of paragraphs 2(3), 5(4)(b) and 6(1)(b) of that Schedule, for “45(3)” substitute “ 45(4) ”.

(4) In paragraph 3 of that Schedule (the cross-heading before which is omitted), in sub-paragraph (1), for “comes into force” substitute “ is made ”.

(5) In paragraph 4(2) of that Schedule, for the words from “the offender has carried out” to the end substitute “ it is discharged in accordance with Article 45(8) ”.

(6) In paragraph 5(1) of that Schedule, before “the lay magistrate may” insert “ or that the offender, having chosen to pay the outstanding amount, is in default on the payment, ”.

(7) In paragraph 5(4) of that Schedule—

(a) before “the court may” insert “ or that the offender is in default as mentioned in sub-paragraph (1), ”, and

(b) for paragraph (a) substitute—

“(a) revoke the order and impose such period of imprisonment not exceeding 35 days as the court considers appropriate;”.

(8) In paragraph 6(1) of that Schedule, for paragraph (d) substitute—

“(d) revoke the order and impose such period of imprisonment not exceeding 35 days as the court considers appropriate;”.

(9) In Article 2 of that Order (general interpretation), at the end insert “ ; and in this Order, “statutory provision” has the same meaning as in that Act ”.

(10) In Article 100 of that Order (regulations, orders and rules)—

(a) in paragraph (2), for “or 22(4)” substitute “ , 22(4) or 45(5) ”, and

(b) after paragraph (3) insert—

“(3A) An order under section 45(5) may not be made unless a draft of the order has been laid before, and approved by a resolution of, the Assembly””

(11) Section 58 of the Justice Act (Northern Ireland) 2011 (which provides for Article 45 of the 2008 Order to apply to certain financial penalties) is repealed.

Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Section 29. (See end of Document for details)

(12) This section applies in relation to convictions occurring before the commencement of this section (as well as those occurring afterwards).

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Commencement Information

II S. 29 in operation at 1.6.2018 by S.R. 2018/99, art. 2(a)

Changes to legislation:

There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Section 29.