

2016 No. 424 (C. 34)

JUSTICE

**The Justice (2011 Act) (Commencement No.9) Order (Northern
Ireland) 2016**

Made - - - - *7th December 2016*

The Department of Justice, in exercise of the powers conferred by sections 111(3) of the Justice Act (Northern Ireland) 2011(a), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Justice (2011 Act) (Commencement No.9) Order (Northern Ireland) 2016.

(2) In this Order “the 2011 Act” means the Justice Act (Northern Ireland) 2011.

Commencement

2. The day appointed for the coming into operation of the following provisions of the 2011 Act is 8th December 2016 –

- (a) section 5 (1)(a) (offender levy on road traffic fixed penalties);
- (b) section 5(4) (offender levy on certain penalties) as it relates to a penalty referred to in section 5(1)(a)(road traffic fixed penalties);
- (c) section 5(5) (increase of road traffic fixed penalty by amount of offender levy);
- (d) section 5(6) (offender levy and enforcement of penalty);
- (e) section 6(2) (amount of the offender levy) as it relates to a penalty referred to in section 5 (1)(a) (road traffic fixed penalties).

Sealed with the Official Seal of the Department of Justice on 7th December 2016



Claire Sugden
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

Part 1, Chapter 1 of the Justice Act (Northern Ireland) 2011 (c.24) (“the 2011 Act”) provides for the offender levy (“the levy”). The levy involves the imposition of a financial amount by the court on specified court disposals, or the attachment of a financial amount on certain fixed penalties issued by the police or a vehicle examiner. Some provisions for the levy came into operation on 6th June 2012.

The provisions set out in Article 2 come into operation on 8th December 2016, and will allow for a levy to be attached to road traffic fixed penalties.

Section 5 (1)(a) allows the levy to be attached to a fixed penalty payable in respect of a notice issued by a police officer or a vehicle examiner under Article 60 of the Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10) – “the 1996 Order” – relating to an offence involving obligatory endorsement (within the meaning of Article 3 of that Order), and a fixed penalty payable in respect of a conditional offer issued under Article 80 of the 1996 Order relating to such an offence.

Section 5(4) provides that a penalty is increased by the amount of the levy in section 6 where the person is over 18.

Section 5(5) inserts a new paragraph (3) into Article 59 of the 1996 Order (amount of fixed penalty) to ensure provision for the levy on fixed penalties issued under Articles 60 and 80 of the 1996 Order.

Section 5(6) provides that where a penalty is increased under section 62(5) of the 2011 Act or Article 69(2) of the 1996 Order for the purposes of registering an amount for enforcement as a fine, the levy shall be treated as having been increased by the same amount.

Section 6(2) sets the levy amount for a road traffic fixed penalty at £5.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Provision	Date of Commencement	S.R. No.
Sections 14 to 19, 54, 56, 96, 97, 98, 99, 109 (partially), 110 (partially), Schedule 6 (partially), Schedule 7 (partially) and Schedule 8 (partially)	5 July 2011	S.R.2011 No.224 (C.14)
Section 35 (partially) and Schedule 3 (partially), sections 36 to 40 and 50 (partially)	1 August 2011	S.R.2011 No 224 (C.14)
Section 103	1 December 2011	S.R.2011 No 370 (C.26)
Section 7 to 11, 13, 35 (so far as not already in operation) and Schedule 3 (so far as not already in operation), 41 to 49, 50 (so far as not already in operation), 100, 110 (partially), Schedule 7 (partially) and Schedule 8 (partially)	1 January 2012	S.R 2011 No 370 (C.26)
Sections 20 to 34 and Schedules 1 and 2, sections 81 and 110 (partially), Schedule 7 (partially)	1 April 2012	S.R 2012 No 142 (C.18)
Section 1 (partially), sections 2 to 4, section 5 (partially), section 6 (partially), sections 59 to 70 and Schedule 4	6 June 2012	S.R 2012 No 214 (C.18)
Section 83 (partially) and section 91	11 June 2012	S.R 2012 No 214 (C.18)
Section 90 (partially)	1 September 2012	S.R 2012 No 214 (C.18)
Section 82 and section 86	7 January 2013	S.R 2012 No 449 (C.47)
Section 12 (partially)	10 May 2013	S.R 2013 No 125 (C.7)
Section 12 (partially)	11 November 2013	S.R 2013 No.252 (C.17)
Section 12 (partially)	12 March 2015	S.R 2015 No. 158 (C.10)

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