

FINES

Fines Act (Ireland) 1851
Criminal Justice Act (NI) 1945
Magistrates' Courts (NI) Order 1981
Fines and Penalties (NI) Order 1984
Criminal Justice (NI) Order 1996

<u>Description</u>	<u>Minimum Requirements</u>	<u>Permissible Duration/Conditions</u>	<u>Cases</u>	<u>Notes</u>																																																		
<p>A pecuniary penalty imposed on D and is deemed a civil debt to the Crown.</p> <p>“Fines are generally used in cases where a deterrent or punitive sentence is necessary, but either the inherent gravity of the offence is insufficient to justify a sentence of imprisonment, or the presence of mitigating factors justifies the sentencer in avoiding a sentence of imprisonment.” [Thomas, Principles of Sentencing]</p>	<p><u>1. Conviction on Indictment:</u> Where the statute does not specify the maximum fine, then a fine of any amount can be imposed. [Art.3 of 1984 Order]</p> <p><u>2. Summary Conviction:</u> (a) <i>Summary only offences</i> are dictated by the ‘standard scale’:</p> <table border="1" style="margin-left: 20px; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Scale</th> <th style="text-align: center;">Max. Fine</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">£200</td> </tr> <tr> <td style="text-align: center;">2</td> <td style="text-align: center;">£500</td> </tr> <tr> <td style="text-align: center;">3</td> <td style="text-align: center;">£1,000</td> </tr> <tr> <td style="text-align: center;">4</td> <td style="text-align: center;">£2,500</td> </tr> <tr> <td style="text-align: center;">5</td> <td style="text-align: center;">£5,000</td> </tr> </tbody> </table> <p>[Art.5(1)&(2) of 1984 Order]</p> <p>Where the offence is punishable with imprisonment but silent as to a fine, a Magistrates’ Court may impose a level 3 fine (or such lesser amount so that the default imprisonment would not be greater than maximum term in prison for the given offence).[Art.54 of 1981 Order]</p> <p>(b) <i>Hybrid offences and indictable offences triable summarily</i> – Max. fine is the ‘prescribed sum’ (£5,000) unless statute states otherwise [Art.4(1)&(8) of 1984 Order]. Where the offence is punishable with imprisonment but silent as to a fine, a Magistrates’ Court may impose a level 5 fine. [Art.54 of 1981 Order]</p>	Scale	Max. Fine	1	£200	2	£500	3	£1,000	4	£2,500	5	£5,000	<p>Before fixing the amount of a fine, the court shall inquire into D’s financial circumstances. The court shall take into account the circumstances of the case including the financial circumstances of D so far as they are known, or appear, to the court, and the fine shall be such as, in the opinion of the court, reflects the seriousness of the offence. (NB: Ability to proceed in specified circumstances) [Art.29(1)-(4) of 1996 Order]</p> <p><u>1. Conviction on Indictment:</u> The Crown Court when imposing a fine may: (a) allow time to pay; (b) direct the payment to be made by instalments; (c) fix a term of imprisonment for if D defaults on payment; (d) on the application of D, allow further time for payment or vary an order for payment by instalments. [(s.35(1) of 1945 Act)]</p> <p><u>2. Summary Conviction:</u> The Magistrates’ Court when imposing a fine may: (a) allow time to pay (which shall not be less than 28 days); (b) allow payment to be made by instalments (and shall allow such payment unless it is satisfied that it would not be reasonable in all the circumstances to do so); (c) on the application of D, allow further time for payment or vary an order for payment by instalments (in doing so, the court may remit any or part of the fine). (d) issue an immediate warrant for committal in default of payment (but only if: (i) D appears to the court to have sufficient means to pay the sum forthwith; or (ii) on being asked by the court whether he wishes to have time for payment D</p>	<p><i>R v Markwick</i> (1953) 37 Cr App R 125 – General principles</p> <p><i>R Reeves</i> (1972) 56 Cr App R 366 – General Principles</p> <p><i>R v Ball</i> (1981) 3 Cr App R(S) 283 – General Principles</p> <p><i>R v Fairbairn</i> (1980) 2 Cr App R(S) 315 – General Principles</p> <p><i>Treasury v Harris</i> [1957] 2 QB 516 – Default period consecutive to custodial sentence.</p> <p><i>R v Chelmsford Crown Court ex p Birchall</i> (1989) 11 Cr App R(S) 510 – Principle of totality.</p> <p><i>Forrest v Brighton Justices</i> (1981) 73 Cr App R 267 – Default of multiple fines.</p> <p>R v Finkle [1988] 7 NIJB 78 – D’s unemployment to be taken into consideration.</p> <p>R v Belfast City Council [2009] NICC 3 – Fines against public authorities.</p> <p><i>R v McClelland</i> (1951) 35 Cr App R 22 – Should not impose fine with absolute/conditional discharge.</p> <p><i>R v Green</i> (1984) 6 Cr App R(S) 329 – Principle of totality when imposing default imprisonment.</p> <p><i>R v King</i> (1970) 54 Crim App R 362 – May impose fine with suspended sentence.</p>	<p>Art.30 of 1996 Order – Following conviction the court may make a ‘Financial Circumstances Order’ requiring D to give to the court such a statement of his financial circumstances as the court may require.</p> <p>Enforcement of fines – see s.3 of 1851 Act and Art.92 of 1981 Order.</p> <p><u>Imprisonment in default of payment of fine:</u> (a) If fine imposed by Crown Court:</p> <table border="1" style="margin-left: 20px; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Fine < £200</th> <th style="text-align: center;">7 days</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">£200 < Fine < £500</td> <td style="text-align: center;">14 days</td> </tr> <tr> <td style="text-align: center;">£500 < Fine < £1,000</td> <td style="text-align: center;">28 days</td> </tr> <tr> <td style="text-align: center;">£1,000 < Fine < £2,500</td> <td style="text-align: center;">45 days</td> </tr> <tr> <td style="text-align: center;">£2,500 < Fine < £5,000</td> <td style="text-align: center;">3 mths</td> </tr> <tr> <td style="text-align: center;">£5,000 < Fine < £10,000</td> <td style="text-align: center;">6 mths</td> </tr> <tr> <td style="text-align: center;">£10,000 < Fine < £20,000</td> <td style="text-align: center;">12 mths</td> </tr> <tr> <td style="text-align: center;">£20,000 < Fine < £50,000</td> <td style="text-align: center;">18 mths</td> </tr> <tr> <td style="text-align: center;">£50,000 < Fine < £100,000</td> <td style="text-align: center;">2 yrs</td> </tr> <tr> <td style="text-align: center;">£100,000 < Fine < £250,000</td> <td style="text-align: center;">3 yrs</td> </tr> <tr> <td style="text-align: center;">£250,000 < Fine < £1million</td> <td style="text-align: center;">5 yrs</td> </tr> <tr> <td style="text-align: center;">£1million < Fine</td> <td style="text-align: center;">10 yrs</td> </tr> </tbody> </table> <p>[s.35(2) of 1945 Act]</p> <p>(b) If fine imposed by Magistrates’ Court</p> <table border="1" style="margin-left: 20px; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Fine < £200</th> <th style="text-align: center;">7 days</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">£200 < Fine < £500</td> <td style="text-align: center;">14 days</td> </tr> <tr> <td style="text-align: center;">£500 < Fine < £1,000</td> <td style="text-align: center;">28 days</td> </tr> <tr> <td style="text-align: center;">£1,000 < Fine < £2,500</td> <td style="text-align: center;">45 days</td> </tr> <tr> <td style="text-align: center;">£2,500 < Fine < £5,000</td> <td style="text-align: center;">3 mths</td> </tr> <tr> <td style="text-align: center;">£5,000 < Fine < £10,000</td> <td style="text-align: center;">6 mths</td> </tr> <tr> <td style="text-align: center;">£10,000 < Fine</td> <td style="text-align: center;">12 mths</td> </tr> </tbody> </table> <p>[Sch.3 to 1981 Order]</p> <p>Magistrates’ Court may transfer enforcement of fine to other UK jurisdiction. 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<p><u>Textbooks</u></p> <p>Blackstone (2010), E15.1-15.15</p> <p>Archbold (2010), 5-391 – 5-410</p> <p>Valentine (Feb 2010) Folder 7, Pg.42, 74-85 Folder 3, Pg.41-43</p> <p>Allen & McAleenan, 1.48-1.90</p>																																																						

		<p>does not ask for time; or (iii) the court is satisfied that D has no fixed abode in Northern Ireland; or (iv) there is some other special circumstance appearing to the court to justify immediate committal.) [Art.91&93 of 1981 Order]</p>	<p><i>R v Warden</i> [1996] Crim LR 443 – Time on remand when determining default period. <i>R v Rolco and Rivet Co Ltd</i> [1999] 2 Cr App R(S) 436 - Imposing fine on a company.</p>	
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