



Northern Ireland  
Assembly

**COMMITTEE FOR SOCIAL DEVELOPMENT**

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28 September 2015

Our Ref: CSD/011/2011/AM

Mr Alastair Ross MLA  
Chairperson  
Committee for Justice  
Room 345  
Parliament Buildings  
Stormont  
Belfast BT4 3XX

Dear *Alastair*

Thank you for inviting the views of the Committee for Social Development on the Justice No.2 Bill. At its meeting of 24 September 2015, the Committee agreed its response which I set out below.

**Principle of the Bill**

1. The Committee notes the current limited options for those who are in fine default and recognises that this can often result in imprisonment. Indeed the Committee notes that between 3-4000 people go to prison each year for an average of four days. The Committee believes this is an inappropriate use of resources and notes the additional opportunities that this bill presents to people in fine default in order to avoid prison and consequently, make better use of public resources by reducing the number of people imprisoned for non-payment of fines.

## **Deductions from Benefit**

### *Deductions with Consent*

2. Of particular interest to the Committee is the option to make deductions from benefits once a fine has been imposed. The Committee notes that, in the first instance, under section 4 any deductions from benefit must be by consent of the individual who is subject to the fine. The Committee recognises that this approach makes the process of payment easier for an individual on benefits and notes the introduction of this option.

### *Deductions without Consent*

3. The Committee also notes that deductions can be made from benefit *without* the customer's consent where there has been default on the payment schedule and where agreement on how to re-establish payment fails. Under these circumstances the Committee supports early engagement by the collection officer with the customer to discuss options for repayment before a collection officer seeks an order to have payments deducted from an individual's benefit.

## **Impact on household**

4. While the Committee is concerned about deductions from benefit possibly adversely affecting others in the household, particularly children, it acknowledges the safeguards provided for in the legislation in respect of the sequencing of collection options. For example, additional time to pay or payments by instalments will be considered before deductions from benefits are considered. The Committee also notes that under current legislation a *maximum* of 15% of the benefit can be deducted by DSD.
5. However, this does raise the concern that where a customer is already having deductions made from benefit, for example to pay rent or electricity arrears, the department may not be able to make any further deductions as to do so would break the 15% ceiling. The Committee notes that under these circumstances an individual could possibly be imprisoned. The Committee urges that where such a situation arises the DoJ will consider the possibility of no further action until a previous debt has been cleared. This would facilitate the possibility of deduction from benefit at a later date thereby avoiding imprisonment of the individual and the accompanying resource implications. Further, the Committee would recommend that the Department consider exploring other options before making deductions from benefits and/or imprisonment of an individual. In particular the Committee for Social

Development agreed that an option of Community Service would seem an appropriate alternative and would avoid the high costs to society associated with imprisonment. Community Service is seen by the Committee as a potentially positive measure for the individual and would also be of value to wider society.

### **Data Sharing**

6. The Committee notes the proposal for DSD to access and share data of its customers with DoJ. While this appears necessary to facilitate the operation of the Bill, the Committee emphasises the need for safeguards to be agreed so that only the information required to inform a decision regarding fine repayment is released. The Committee assumes that data access and release will be conducted in accordance with the Data Protection Act 1998.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alex Maskey', with a long horizontal flourish extending to the right.

**Alex Maskey**  
**Chairperson, Committee for Social Development**

