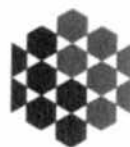


FROM THE OFFICE OF THE JUSTICE MINISTER



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Our ref SUB/1470/2015

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17 December 2015

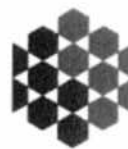
Dear Christine,

**JUSTICE (NO. 2) BILL: FOLLOW-UP INFORMATION FROM MEETING ON  
3 DECEMBER AND LORD MORROW'S PROPOSED AMENDMENT**

At the Committee meeting on 3 December, officials undertook to revert to the Committee on a number of discrete issues arising from its evidence on the Bill.

Part 1 (Fines and other penalties)

On Part 1 of the Bill, the Chair enquired about the Department's position in relation to extending the powers of a court to require offenders to satisfy a fine by undertaking appropriate treatment (e.g. for addiction or mental health issues). Unlike community based sentences (by which a court may include requirements as to treatment for drug or alcohol dependency, or as to mental condition) the imposition of a fine by a court is not designed to have a rehabilitative aspect. It is, rather, a pecuniary penalty imposed on an offender on conviction.



The Department has now had sight of the Assembly Research papers “Fine Collection and Enforcement Mechanisms” (NIAR 49-2015 and NIAR 375-15). We note that the arrangements in New South Wales are unique in the sense that they can engage persons who are suffering from mental health or drug or alcohol addiction problems in certain courses or treatment as a means of satisfying the fine.

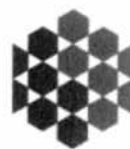
This is not an aspect which is associated with fine enforcement arrangements elsewhere in Great Britain or the Republic of Ireland and we believe that considerable policy development would be required to evaluate the merits of this approach and to identify any resource implications.

We are, however, happy in principle to consider this in more detail. Given the time available for the Bill’s remaining stages it would not be possible to make provision in this regard in the Bill, but we are happy to give an undertaking to do further work in relation to this, with a view to potentially enhancing the fine collection arrangements in the future.

The Chair also enquired about the potential for money management courses as a way of supporting persons who have defaulted on payment of a fine. We have confirmed with the Probation Board for Northern Ireland (PBNI) that money management will form a mandatory part of all Supervised Activity Orders. Although the detail is being worked up, PBNI is exploring the possibility of having its staff trained to deliver these courses by an external provider such as NIACRO.

#### Lord Morrow’s proposed amendment

Officials outlined the Department’s position on Lord Morrow’s proposed amendment in their evidence to the Committee on 3 December. As noted at that time, the Department believes that such an amendment would engage interests beyond the Department of Justice.



The issues raised may be complex and we have raised the matter with colleagues in the Department of Health, Social Services and Public Safety (DHSSPS) and intend to meet with them to discuss in further detail once they have had an opportunity to consider.

We appreciate the intention behind the amendment, but note that assaults upon fire and rescue personnel are already covered by Article 57 of the Fire and Rescue Services (Northern Ireland) Order 2006. This provides that any person who assaults or obstructs a fire and rescue officer or a person assisting commits an offence. The penalty for this offence is six months imprisonment and/ or a maximum fine of £5,000 on summary conviction, or two years imprisonment and an unlimited fine on conviction on indictment.

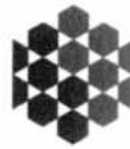
Assaults upon other public servants, including paramedics are capable of being prosecuted under existing legislation, for example the Offences Against the Person Act 1861. In addition, attacks on public servants or which damage emergency equipment may already be treated as aggravating factors when sentencing.

Officials also noted in their evidence that definitional problems may arise in terms of extending the proposed offence specifically to a range of other categories of profession.

On 3 December, Mr Poots enquired about the potential to legislate for the issue of on the spot fines for less violent behaviour on hospital premises. We are also discussing the detail of this issue with DHSSPS officials. The Department's initial view is that the use of fixed penalties in Northern Ireland is currently restricted to a range of low level, non-violent offences and that fixed penalties are not appropriate in circumstances where the use or threat of violence is a factor.

Where behaviour amounts to the commission of a criminal offence this should be a matter for consideration by the PPS. It should be possible to impose a prosecutorial fine for lower-level behaviour (when these provisions are commenced) with more

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serious incidents or aggravated circumstances being referred to the PPS for a decision to prosecute.

I trust Committee members will find this information useful.

*Tim Logan*

**TIM LOGAN  
DALO**