

FROM THE OFFICE OF THE JUSTICE MINISTER



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Christine Darrah
Clerk to the Justice Committee
Northern Ireland Assembly
Parliament Buildings
Ballymiscaw
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Belfast BT4 3XX

1 July 2015

Dear Christine,

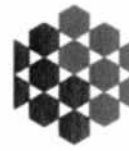
JUSTICE (No. 2) BILL: DEDUCTION FROM BENEFITS ORDER QUERY

At the briefing on the Justice (No. 2) Bill at the Committee's meeting on 23 June, officials advised Members of the principles of the Bill including the legislative arrangement for deductions from benefits orders.

Mr Raymond McCartney requested further information regarding the operation of such orders in respect of individuals claiming a relevant benefit not only for themselves but for a partner and/ or dependants. The Justice Minister was keen to ensure that the Committee had a reply for its final meeting ahead of the summer recess.

At the Committee briefing, officials advised that they would explore the matter raised by Mr McCartney with colleagues in the Department for Social Development (DSD) as to how the deductions scheme currently operates in Northern Ireland.

As the Committee will be aware, in Northern Ireland fines are not currently deductible from benefits. Officials therefore have also taken the opportunity to



explore the position in England and Wales where deductions in respect of fines do already operate.

For Northern Ireland, when deductions from benefits orders are being made, we understand that both the personal allowance and any additional allowances paid in respect of partners and/or dependants are indeed attachable for deductions purposes. DSD advise that the total amount is construed as the individual's benefit and that it is not separated into constituent parts for the purpose of a deduction order.

This may be on the basis that current deductions orders in Northern Ireland can be made in respect of matters such as debts for rent, accommodation, fuel etc. These could be seen as being of more collective benefit to a family as opposed to a deduction in respect of a fine which could be seen as more of a personal than a family liability. We are exploring this further with DSD.

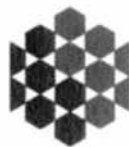
For England and Wales, the Department of Work and Pensions (DWP) - the equivalent statutory authority to DSD in this area – operates a similar deduction from benefits system but one which already includes deductions for fines. We have established that there is a complex interplay between aggregate benefit amounts, personal allowances and levels of deductions.

It would appear that these requirements are in the detail of Department of Work and Pensions Regulations and also in guidance documents issued to fines officers. We are exploring this further with DWP with a view to considering how best to reflect, if we can, any such requirements in our Northern Ireland scheme.

It is worth logging however that any such arrangement would also be a matter for DSD consideration as it is their Regulations that would come into play.

Whilst we cannot therefore give a definitive answer at this stage what we can do is to undertake to bring further proposals to the Committee in respect of subordinate Regulations and Collection Officer Guidance as appropriate. That has always been part of our legislative programme for the delivery of the Bill.

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I trust that the Committee will find this initial information and our future undertakings helpful as the Committee reviews and takes evidence on the proposed Justice (No. 2) Bill.

D. Graham

PP **Tim Logan**
DALO