

FROM THE OFFICE OF THE JUSTICE MINISTER



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Christine Darrah  
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29 June 2015

Dear Christine,

**JUSTICE (No. 2) BILL: FUTURE AMENDMENTS**

At the briefing on the Justice (No. 2) Bill at the Committee's meeting on 23 June, officials advised Members of likely future amendments to the Bill.

The Justice Minister is keen to follow that up in writing and to advise the Committee formally of his plans at this stage. This will allow the Committee to take views on some of the Minister's proposals during its scrutiny stage of the Bill, if this is desirable.

Officials advised the Committee of four likely amendments subject to clearances, drafting requirements and the views of the Committee in due course:

- amendments to firearms legislation;
- proposals for a police power of arrest in relation to Fine Default Hearings;

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- provisions to improve information access and sharing in the fine collection process and
- amendments to clause 45 of the Bill

I attach Annex A which provides a description of each of the proposals.

I trust that the Committee will find this helpful as it reviews and takes evidence on the proposed Justice (No. 2) Bill.

*D. Graham*

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TIM LOGAN  
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## AMENDMENTS TO THE JUSTICE (No. 2) BILL

### Firearms

Following the discussion and agreement during Further Consideration Stage of the Justice Bill, the Minister proposes to table amendments to the Firearms (NI) Order 2004.

The Minister will introduce a system to enable firearms dealers to exchange a firearm, for a licence holder, within a band. There will be bands or groups of firearms – air rifles, small quarry rim fire rifles, fox calibre centre fire rifles and larger centre fire calibre deer rifles. In summary, a holder will be able to trade in a rifle in a band for another in that band as long as certain conditions are met. A licence holder will also be permitted to trade in a firearm without replacing it – sometimes referred to as a “one off”. Dealers will be authorised or conditioned to carry out such transactions.

The Minister will also introduce a provision on the age at which a young person can use a shotgun. The amendment will permit a person of 12 years of age or older to be in possession of a shotgun in a police approved clay target range while under the supervision of a person who has held a shotgun on certificate for at least 5 years. Further to this the Minister proposes to permit a person from the age of 16 to engage in all shotgun activities – sporting and vermin uses, under existing supervision requirements.

Amendments to fee types are also to be made in the Bill. Changes to current fees, as discussed at the Justice Committee on 18 June, will be made by Order.

## **Collection of Financial Penalties**

### Power of arrest

Currently the Fine Default Hearing process under which offenders can be returned to court to have their default reviewed can be frustrated by defaulters simply not turning up for their hearing. If the Court is not satisfied that notice has been served then the case must sit in abeyance.

As it is currently drafted, the Justice (No. 2) Bill will strengthen this process by moving from a notice to attend procedure to a summons process. To further strengthen attendance at Fine Default Hearings, the Department will be proposing a police power of arrest in circumstances of non-attendance. The proposal will be that, if police encounter an offender whom they know to be in default, they will be able to arrest them and either bring them to court forthwith or bail them for a future Default Hearing appearance.

Coming at the end of the new collection process, which will already have seen a series of collection options considered, the number of non-attenders at Fine Default Hearings is expected to be low. The Department feels however that an additional power of arrest, should it be required to be used, should be available to police.

Such a power would be important to maintain the integrity of the fine collection and Default Hearing process as a deterrent to those who might seek to ignore the call back to court.

### Information sharing

As drafted, the Justice (No. 2) Bill requires offenders to provide the necessary earnings and income information to Collection Officers so that the correct collection option can be chosen. If an offender does not provide the information to the Collection Officer then he/she is committing an offence which can result in further prosecution.

To avoid the situation whereby a Collection Officer can be frustrated by non-compliance in his/her attempts to secure income details, the Department is proposing to enhance the Bill's approach to information access and sharing in this area.

The Department is therefore proposing to bring forward an amendment to allow Collection Officers to either ascertain or validate offender information in this area. The Department wishes to ensure that Collection Officers have access to employment, earnings or benefits information where an offender refuses to cooperate with the process. In cases of non-co-operation, the Collection Officer should be able to pursue income information in the absence of the offender.

Access to employment and earnings information is a matter for Her Majesty's Revenue and Customs and is therefore a reserved matter. Access to benefits information with regard to local claimants is a matter for the Social Development Minister. The Department will therefore be consulting with relevant Ministers ahead of publishing any proposals in this area.

#### Clause 45

The Justice (No.2) Bill currently includes, at clause 45, arrangements for ancillary provision to be made by order. There has been considerable interest in this area in the context of the Justice Bill. That consideration is a matter of record via Hansard, including the final position reached at Further Consideration Stage. We will revisit clause 45 over the summer with a view to bringing forward an amendment.