

FROM THE OFFICE OF THE JUSTICE MINISTER



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4 November 2015

Dear Christine

JUSTICE (No.2) BILL: DELEGATED POWERS

Thank you for your letter of 22 October. We are grateful for the comments from the Examiner of Statutory Rules arising from his scrutiny of the delegated powers contained in the Justice (No.2) Bill.

We have noted the Examiner's view in relation to clause 18(6)(b) that it would be preferable either to prescribe these matters on the face of the Bill (if they relate to a substantive policy issue) or, alternatively, to omit the regulation-making power entirely and, instead, leave this matter to the discretion of the court.

Whilst provision is made for the exercise of broadly similar powers by way of regulation under fine collection and enforcement arrangements in England and Wales and Scotland, we are happy to be guided by the Examiner on this matter.

We have also noted the written evidence to the Committee from the Northern Ireland Human Rights Commission, in which they highlight that clause 18 engages



the right to work and protections which guarantee an individual's right to employment and protection of income.

Weighing those issues together, the Minister would, therefore, be minded to bring forward an amendment to specify, on the face of the Bill, the issues that the court should take into account before making a vehicle seizure order.

We have also identified a need to make a minor amendment to clause 6(7)(c) to provide that a collection officer may only request that a court makes a vehicle seizure order if satisfied that the value of the vehicle, if sold, would discharge the sum owed including the likely charges and costs of the sale.

In relation to costs more generally, the Minister has been considering whether, as a matter of policy, a person in default should be liable for the cost of the summons server fee (currently £13) for the personal service of a fine default notice.

Current practice is that fine default notices are served by post in the first instance before progressing to personal service by a summons server where postal service is unsuccessful. Given the cost associated with personal service, however, the Minister believes that it is right, in principle, that the fee should be recoverable against the defaulter in appropriate circumstances.

We will, of course, share the text of the amendments with the Committee as soon as possible, and officials would be happy to speak to the amendments during our evidence sessions in the coming weeks.

I hope this is helpful.

**TIM LOGAN
DALO**