

**Department of  
Finance and Personnel  
Memorandum on the Twenty Sixth  
Report from the  
Public Accounts Committee  
Mandate 2011-2016**

**Northern Ireland Courts and Tribunals Service Trust  
Statement for the year ended 31 March 2013**

**Presented to the Northern Ireland Assembly  
by the Minister of Finance and Personnel**

**10 March 2015**

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# Glossary of Abbreviations

<b>DOJ</b>	Department of Justice
<b>FCEP</b>	Fine Collection and Enforcement Programme
<b>FCES</b>	Fine Collection and Enforcement Service
<b>IA</b>	Internal Audit
<b>NIAO</b>	Northern Ireland Audit Office
<b>NICTS</b>	Northern Ireland Courts and Tribunal Service
<b>NIPS</b>	Northern Ireland Prison Service
<b>PSNI</b>	Police Service of Northern Ireland
<b>SAO</b>	Supervised Activity Order
<b>SLA</b>	Service Level Agreement

## Twenty Sixth Report

### Department of Justice

#### Northern Ireland Courts and Tribunals Service Trust Statement for the year ended 31 March 2013

##### *PAC Recommendation 1*

**The Committee recommends that NICTS should put in place a robust system to identify an individual's ability to pay before a fine is imposed. This would allow the court to consider options at the outset to prevent fine default, including instalment orders, non-monetary supervised activity orders and other measures, such as deductions from earnings or benefits.**

The Northern Ireland Courts and Tribunals Service (NICTS) and the Department of Justice (DOJ) accept this recommendation.

Article 53 of the Magistrates' Court (Northern Ireland) Order 1981 requires judicial officers to take into consideration the means of the offender when fixing the amount of a fine to be imposed on conviction. Means information is currently requested from offenders prior to court, on a voluntary basis, through the issue of a Means Enquiry Form. Although the return rate for these forms prior to court remains low, the judge still has the ability to obtain this information in court from the offender or his legal representative prior to imposing a fine. In court, following conviction, the judiciary also have access to an offender's fine history record, showing any previous fines in the last three years and how these fines have been cleared or if they remain outstanding. In the context of Article 53, NICTS will write to the Lord Chief Justice advising him of the Committee's recommendation. In addition, NICTS will write to the Law Society and the Bar Council asking them to remind their members of the importance of clients completing the Means Enquiry Form prior to their court appearance.

Article 53 also allows a judge to order that the amount imposed can be paid by instalments. New legislative powers being introduced as part of the Fines and Enforcement Bill (timeframe as outlined in recommendation six) will provide the judiciary with additional sanctions, at the point of sentence, which will include the ability to order the payment of a fine imposed from deductions from benefits or earnings or to impose a Supervised Activity Order (SAO) for a specific number of hours in lieu of payment of a fine.

##### *PAC Recommendation 2*

**The governance arrangements and control structures in place over fine collection and enforcement are unacceptable. The Committee recommends that, roles and responsibilities are well defined and accountability and reporting lines should be clear. NICTS should monitor all warrants issued and PSNI should ensure that robust reconciliations are undertaken between warrants executed and cash collected. In the Committee's opinion the Department should be providing effective oversight and co-ordination, with regular reporting of performance to Senior Management and the Board.**

DOJ, NICTS and the Police Service of Northern Ireland (PSNI) have implemented this recommendation.

DOJ established a Fine Collection and Enforcement Programme (FCEP) in April 2013, sponsored by the Criminal Justice Board, to improve the collection and enforcement of fines in line with Ministerial priorities. The FCEP Board is chaired by the DOJ Director of Access to Justice and board members include senior representatives from DOJ, PSNI, NICTS, the Northern Ireland Prison Service (NIPS) and the Probation Board for Northern Ireland. This Board receives regular updates on warrant enforcement including information on warrants issued and outstanding.

PSNI has commenced monthly reconciliations of warrants issued by NICTS to PSNI since August 2014 and these reconciliations are monitored and reported on internally and to the FCEP Board. This reconciliation incorporates the number of warrants issued by NICTS, the number of warrants executed by PSNI and the number of warrants

outstanding. Any inconsistencies in the reconciliation are investigated to ensure consistency between the two databases and to monitor compliance with issued guidelines.

PSNI has introduced strict guidelines for officers and staff when dealing with the execution of fine default warrants since the recommencement of the function in November 2014. The new procedures, which have been reviewed by PSNI Internal Audit (IA) and the Northern Ireland Audit Office (NIAO), ensure that PSNI systems are updated, as far as possible, in real time as soon as a warrant is executed, either by arrest or payment. PSNI have also introduced a reconciliation process with NIPS records and any discrepancies are investigated. In addition, the Chief Executive of NICTS and the PSNI Assistant Chief Constable Service Improvement Department now meet quarterly to oversee and monitor progress in relation to fine collection and enforcement.

Furthermore, at a strategic level, updates on the fine collection and enforcement programme are provided to the Criminal Justice Delivery Group, Criminal Justice Board, the Minister and the Justice Committee.

### *PAC Recommendation 3*

**The Committee recommends that targets should be set to ensure that all warrants are executed on a timely basis. NICTS should undertake regular reconciliations of all warrants issued to the PSNI and should seek explanations for warrants that have been outstanding for more than six months.**

NICTS and PSNI partially accept this recommendation.

PSNI and NICTS are developing a Service Level Agreement (SLA) to govern police delivery of this function. Whilst PSNI recognise the importance of warrant execution in the context of their statutory obligations and as part of the wider criminal justice system, any associated target in relation to warrant enforcement must take into account the demands on policing as a whole. The SLA will be agreed and operational by June 2015 and will be kept under review to take account of policing priorities.

An SLA is already in place in relation to the time period for fine monies collected by PSNI to be passed to NICTS. This document will also be kept under review.

PSNI and NICTS have commenced monthly reconciliations of warrants issued and outstanding since August 2014 and these reconciliations will continue to be monitored and reported on both internally and to the FCEP Board.

Following the Divisional Court ruling in March 2013, all fine warrants issued by a Judge at a default hearing now contain a time period for police to enforce the warrant, up to a maximum of 12 months. This information is recorded on the warrants and held on PSNI and NICTS systems. Any warrants not enforced within this time period are now flagged by police as requiring to be returned to the court for reconsideration by the judge. The warrant log, which contains information on attempts of service and reason for non-service is returned to the court for the judge to consider if the re-issue of a warrant is appropriate.

Therefore, given this new process introduced by the Court as a result of the Divisional Court ruling allows PSNI up to a maximum of 12 months to enforce a warrant, it would not be appropriate to commence a review process for warrants outstanding for six months.

### *PAC Recommendation 4*

**The Committee recommends that the Department ensures that alternative methods for collecting outstanding fines are implemented immediately, ahead of the wider reform programme. The new measures should include a system for making payment by a debit card at a police station. This would help to eliminate the risk associated with cash collection. Where cash collection is unavoidable rigorous controls should be implemented to help mitigate the risks.**

DOJ and NICTS are in the process of implementing this recommendation.

In addition to being able to pay a fine by telephone, by post or in any court office with cash, cheque or card payment, fines can be paid online by debit or credit card via the NICTS secure website.

PSNI is currently pursuing options to enable card payments to be taken for fine warrants, for example, PSNI is exploring the possibility of using the established NICTS IT systems to take debit/credit card payments. PSNI plan

to launch a pilot exercise by September 2015 and if successful, the next stage could involve PSNI staff accessing the NICTS payment portal to allow telephone payments to be made outside of office hours.

Since November 2014, PSNI has introduced new cash collection processes and tighter controls and revised guidance to police officers has been issued in relation to the receipting of cash for fine warrants. These procedures have been reviewed by PSNI IA and by NIAO. As acknowledged by the Comptroller and Auditor General, there are risks inherent in any cash collection system and these enhanced controls seek to mitigate those risks as far as possible.

*PAC Recommendation 5*

**The costs associated with fine enforcement are, in the Committee's view, excessive and the current system is neither efficient nor effective. The Committee strongly recommends that the system is reviewed as a matter of urgency with a view to largely removing PSNI from the process and replacing it with a civilian collection service. This would help to release resources for front line police work. Further, the Committee recommends that consideration should be given to whether committal remains an appropriate sanction and a greater emphasis should be placed on ensuring that defendants pay the fine imposed rather than serving a prison sentence.**

DOJ is in the process of implementing this recommendation.

The DOJ Minister has stated publicly that the current fine enforcement system is an inappropriate and expensive use of police, court and prison resources and that reform is required. Legislation is currently being drafted which will, subject to the approval of the Assembly, allow for the establishment of a new Fine Collection and Enforcement Service (FCES) by the end of 2016.

The new Service will largely remove PSNI from the fine enforcement process as the legislation will provide for FCES Civilian Collection Officers with a range of powers. They will act under the authority of the court and will collect fines and assist people in managing the repayment of their fines. The emphasis of the new Service will very much be placed on ensuring that defendants pay the fines imposed rather than serving a prison sentence. As part of their role, the Collection Officers will explore an offender's means and ability to pay and they will have a range of powers, including the ability to agree instalment plans, extend time to pay and arrange deductions from earnings or benefits. Additional powers will be included in the legislation allowing a court to make a Bank Access Order or Vehicle Seizure Order in appropriate cases where payment is not forthcoming. In addition, an SAO will be prioritised as the default sanction, thereby reducing the number of committals to prison for fine default.

Taken together, these changes will create a more cost effective and proportionate system for the management of fine collection and enforcement, by introducing dedicated Collection Officers to manage fine collection; releasing front line police officers to undertake other duties rather than pursuing outstanding fines; reducing the number of offenders being imprisoned for fine default; and releasing court time as certain tasks will be able to be undertaken administratively by the Collection Officer and there should be fewer default hearings.

*PAC Recommendation 6*

**The timetable for reform has already slipped and the Committee recommends that the Department takes all steps necessary to re-examine the current legislative timeframe and, at the very least, take all the necessary steps to ensure that there is no further slippage. A key objective of reform should be to ensure the system represents value for money and makes the best use of the limited public resources available.**

DOJ is in the process of implementing this recommendation.

DOJ has identified the Fines and Enforcement Bill as one of its key legislative priorities for the remainder of the current Assembly mandate. DOJ has re-considered the legislative timeframe, and can confirm it will take all the necessary steps to ensure that progress is maintained and there is no further slippage as far as is practicably possible.

Work on creating the new system is well underway in preparation for the drafting of the Bill. The DOJ Minister's intention is to have the legislation drafted and proposals presented to the Assembly before the summer recess and for the primary legislation to be in place by April 2016, with supporting regulations allowing progressive commencement thereafter to enable a new fine collection and enforcement service to be operational by the end of

2016. The new Service to be introduced will create a more cost effective system which will represent value for money and better use of the limited resources available.







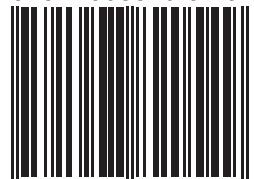


**Copies available from:**

Department of Finance and Personnel, Room S5,  
Accountability and Financial Management Division,  
Rathgael House, Balloo Road, Bangor BT19 7NA

Published and printed by DFP, Central Print Unit,  
Craigtlet Buildings, Stoney Road, Belfast BT4 3SX  
Tel: 028 9016 3397

978-1-908820-54-9



9 781908 820549 >