EXPLANATORY MEMORANDUM TO

The Enforcement of Fines and Other Penalties (Amendment) Regulations (Northern Ireland) 2025

SR 2025 No. 166

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Justice ('the Department') to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under section 23(1), (7) and (8) of the Justice Act (Northern Ireland) 2016 and is subject to the negative resolution procedure.

2. Purpose

2.1. The Statutory Rule amends the Enforcement of Fines and Other Penalties Regulations (Northern Ireland) 2018 ('the 2018 Regulations'), to increase the levels of charges set by the Department in relation to the removal, storage and disposal of vehicles seized under a vehicle seizure order in accordance with Part 5 of the 2018 Regulations.

3. Background

3.1. The 2018 Regulations were made to support the commencement of Part 1 of the Justice Act (Northern Ireland) 2016 ('the Act').

3.2. Part 1 of the Act introduced a new system for the collection of unpaid fines and other financial penalties, whereby civilian collection officers are given powers to deal with a debtor under the authority of a collection order made by the court at the point of imposing a financial penalty or registering a penalty for enforcement.

3.3. The 2018 Regulations set out the detail of the arrangements and procedures to be followed for the collection and enforcement of financial penalties, including procedures relating to Vehicle Seizure Orders. Vehicle Seizure Orders can be made against a debtor by a collection officer in circumstances where an unpaid fine or other financial penalty cannot be collected through other methods.

3.4. Schedule 3 to the 2018 Regulations also specifies the charges payable in connection with the removal, storage and disposal of the vehicle when seized.

4. Consultation

4.1. In 2024, following reviews carried out in Scotland in 2019, and in England and Wales early in 2023, along with a request from the PSNI, the Department decided to review the levels of fees that can be charged in Northern Ireland for the removal, storage and disposal of vehicles in certain circumstances.

4.2. Accordingly, the Department conducted a public consultation which sought views on potential changes to the level of charges set by the Department of Justice that apply to the removal, storage and disposal of vehicles provided for in the 2018 Regulations, as well as the statutory charges contained within two other sets of regulations: - The Road Traffic (Northern Ireland) Order 19181 (Retention and Disposal of Seized Motor Vehicles) Regulations 2008, which relate to vehicles driven without insurance; and - The Criminal Justice (Northern Ireland) Order 2008 (Retention and Disposal of Seized Motor Vehicles) Regulations (Northern Ireland) 2008, which relate to vehicles driven carelessly, inconsiderately or illegally off-road in a manner causing or likely to cause alarm, distress or annoyance.

4.3. The consultation ran from 18 April 2024 until 13 June 2024 , and a total of eleven responses were received.

4.4. A written briefing, providing an overview of the responses to the consultation, and the Department's proposed next steps, was provided to the Committee for Justice on 21 November 2024.

4.5. The Department's Way Forward Summary Report was subsequently published on 23 January 2025. Therein, the Department outlined its intention to increase fees by 28% to reflect inflation and increased operational costs, and to maintain parity with fees in England and Wales.

5. Equality Impact

5.1. Having taken account of evidence gathered through consultation, the Department has concluded that the proposals do not have significant adverse effects for any group under section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment was not considered necessary. There will be no impact on businesses, charities or voluntary bodies.

7. Financial Implications

7.1. The proposed Statutory Rule would increase the levels of statutory charges set by the Department in relation to the removal, storage and disposal of vehicles seized under a Vehicle Seizure Order by 28%, to reflect inflation and increased operational costs from 2008, and maintain parity with the level of equivalent fees in England and Wales.

7.2. The removal and storage charges must normally be paid to the recovery agent, usually by the vehicle's owner, before it will be released from storage. Where no payment is made within the specified time, the vehicle may be disposed of. If the vehicle is sold, the net proceeds of sale, after the deduction of any outstanding charges, are returned to the owner.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department considers that the proposed Statutory Rule is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. The Statutory Rule would increase the levels of statutory charges set by the Department in relation to the removal, storage and disposal of vehicles seized under a Vehicle Seizure Order by 28%, to reflect inflation and increased operational costs from 2008, and maintain parity with the level of equivalent fees in England and Wales.

11. Additional Information

11.1. In addition to this Statutory Rule, the Department has also made two other Statutory Rules to implement a similar increase in statutory charges, which were the subject of public consultation, as follows: - The Road Traffic (Northern Ireland) Order 1981 (Retention and Disposal of Seized Motor Vehicles)(Amendment) Regulations (Northern Ireland) 2025; and - The Criminal Justice (Northern Ireland) Order 2008 (Retention and Disposal of Seized Motor Vehicles) (Amendment) Regulations (Northern Ireland) 2025.