

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Eighth Delegated Legislation Committee

DRAFT COLLECTION OF FINES ETC.
(NORTHERN IRELAND CONSEQUENTIAL
AMENDMENTS) ORDER 2017

Thursday 9 March 2017

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Monday 13 March 2017

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The Committee consisted of the following Members:

Chair: Ms KAREN BUCK

- | | |
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| † Anderson, Mr David (<i>Blaydon</i>) (Lab) | McKinnell, Catherine (<i>Newcastle upon Tyne North</i>) (Lab) |
| † Blackman, Bob (<i>Harrow East</i>) (Con) | Metcalf, Stephen (<i>South Basildon and East Thurrock</i>) (Con) |
| † Chalk, Alex (<i>Cheltenham</i>) (Con) | † Opperman, Guy (<i>Lord Commissioner of Her Majesty's Treasury</i>) |
| † Dakin, Nic (<i>Scunthorpe</i>) (Lab) | † Stewart, Bob (<i>Beckenham</i>) (Con) |
| † Double, Steve (<i>St Austell and Newquay</i>) (Con) | Stuart, Ms Gisela (<i>Birmingham, Edgbaston</i>) (Lab) |
| Dowd, Jim (<i>Lewisham West and Penge</i>) (Lab) | Clementine Brown, <i>Committee Clerk</i> |
| † Dowden, Oliver (<i>Hertsmere</i>) (Con) | |
| † Heald, Sir Oliver (<i>Minister for Courts and Justice</i>) | |
| † Jenrick, Robert (<i>Newark</i>) (Con) | |
| † Johnson, Dr Caroline (<i>Sleaford and North Hykeham</i>) (Con) | |
| † Lynch, Holly (<i>Halifax</i>) (Lab) | † attended the Committee |

Eighth Delegated Legislation Committee

Thursday 9 March 2017

[MS KAREN BUCK *in the Chair*]

Draft Collection of Fines etc. (Northern Ireland Consequential Amendments) Order 2017

11.30 am

The Minister for Courts and Justice (Sir Oliver Heald): I beg to move,

That the Committee has considered the draft Collection of Fines etc. (Northern Ireland Consequential Amendments) Order 2017.

May I say what a pleasure it is to serve under your chairmanship, Ms Buck? I welcome the hon. Member for Blaydon to his responsibilities.

The draft order, which was laid before the House on 6 February, is made under section 84(2) of the Northern Ireland Act 1998, which allows changes to be made to legislation that are necessary because of an Act of the Northern Ireland Assembly—in this case, the Justice Act (Northern Ireland) 2016, which was passed by the Assembly on 14 March 2016 and received Royal Assent on 12 May 2016. The 2016 Act reforms the collection and enforcement of fines in Northern Ireland by creating a new regime that provides additional ways for offenders to pay their fines. It includes powers for collection officers to secure payment through an attachment of earnings order, which is a court order made in Northern Ireland that requires a debtor's employer to deduct specified amounts from wages and pay them to the court to discharge the outstanding amount.

The draft order will amend schedule 5 to the Courts Act 2003, which deals with fine collection, to allow

courts in Northern Ireland to obtain or verify information from Her Majesty's Revenue and Customs, such as the name and address of the employer and details of earnings and other income. This will allow fine collection officers in Northern Ireland to determine whether an attachment of earnings order should be pursued.

Schedule 5 to the 2003 Act already enables HMRC to make such disclosures in England and Wales; the amendments made under the draft order will allow it to do so in Northern Ireland as well. Such amendments could not be made by the Department of Justice in Northern Ireland through the 2016 Act because the underpinning tax legislation is the Commissioners for Revenue and Customs Act 2005, which is UK legislation that cannot be amended by an Act of the Northern Ireland Assembly. However, section 84(2) of the 1998 Act allows such amendments to be made by an Order in Council, such as this draft order, if "necessary or expedient". I consider that the amendments we propose are necessary.

I am happy to confirm that Ministers and officials of the UK Government and the Northern Ireland Department of Justice have worked closely together on this matter. I do not believe that the amendments are controversial. I commend the draft order to the Committee.

11.33 am

Mr David Anderson (Blaydon) (Lab): It is a privilege to serve under your chairmanship, Ms Buck. The draft order is a sensible and reasonable way of dealing with the matter. It has been agreed by the Northern Ireland Assembly and we certainly do not oppose it.

11.33 am

Sir Oliver Heald: I thank the hon. Gentleman for that succinct speech—one of the best speeches I have heard in such a Committee.

Question put and agreed to.

11.34 am

Committee rose.