



Number 8 of 2010

FINES ACT 2010

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ACTS REFERRED TO

Courts (No. 2) Act 1986	1986, No. 26
Criminal Justice Act 1951	1951, No. 2
Criminal Justice Act 1984	1984, No. 22
Criminal Justice Act 2006	2006, No. 26
Criminal Justice Administration Act 1914	4 & 5 Geo. 5, c. 58
Criminal Justice (Community Service) Act 1983	1983, No. 23
Criminal Justice (Theft and Fraud Offences) Act 2001	2001, No. 50
Criminal Procedure Act 1967	1967, No. 12



Number 8 of 2010

FINES ACT 2010

AN ACT TO MAKE PROVISION IN RELATION TO THE MAXIMUM FINES THAT A COURT MAY IMPOSE IN RESPECT OF OFFENCES TRIED SUMMARILY AND CERTAIN OFFENCES TRIED ON INDICTMENT; TO PROVIDE THAT A COURT IN IMPOSING A FINE UPON CONVICTION OF A PERSON OF AN OFFENCE SHALL TAKE ACCOUNT OF A PERSON'S FINANCIAL CIRCUMSTANCES; TO PROVIDE FOR THE PAYMENT OF SUCH FINES BY INSTALMENT IN CERTAIN CIRCUMSTANCES; TO MAKE PROVISION IN RELATION TO THE POWERS OF THE COURT WHERE THERE HAS BEEN A FAILURE ON THE PART OF A CONVICTED PERSON TO PAY A FINE; FOR THOSE PURPOSES TO AMEND THE CRIMINAL JUSTICE (COMMUNITY SERVICE) ACT 1983 AND THE COURTS (NO. 2) ACT 1986; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH.

[31st May, 2010]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Fines Act 2010.

Short title and
commencement.

(2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.

2.—In this Act “Minister” means the Minister for Justice, Equality and Law Reform. Definition.

PART 2

INCREASE OF FINES

3.—In this Part—

Definitions.

“class A fine” means a fine not exceeding €5,000;

“class B fine” means a fine not exceeding €4,000;

“class C fine” means a fine not exceeding €2,500;

“class D fine” means a fine not exceeding €1,000;

“class E fine” means a fine not exceeding €500;

“commencement date” means the date of the coming into operation of this Part;

“enactment” means—

- (a) an Act of the Oireachtas,
- (b) a statute that was in force in Saorstát Éireann immediately before the date of the coming into operation of the Constitution and that continues in force by virtue of Article 50 of the Constitution, or
- (c) an instrument made under—
 - (i) an Act of the Oireachtas, or
 - (ii) such a statute.

Class A fines.

4.—(1) Where an enactment enacted on or after the commencement date provides that a person who commits an offence under that or any other enactment shall be liable, upon summary conviction, to a class A fine, the reference to class A fine shall be construed as a reference to class A fine within the meaning of this Part.

(2) Subject to *subsection (3)*, where an enactment enacted during a period specified in *column (2)* of the Table opposite a particular reference number specified in *column (1)* of the Table provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that falls within the range of amounts specified in *column (3)* of the Table opposite the same reference number, a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine, but shall instead be liable to a class A fine.

(3) Where an enactment enacted before the commencement date provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that—

- (a) was provided for by virtue of a subsequent enactment enacted during a period specified in *column (2)* of the Table opposite a particular reference number specified in *column (1)* of the Table, and
- (b) falls within the range of amounts specified in *column (3)* of the Table opposite the same reference number,

a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine but shall instead be liable to a class A fine.

TABLE

Reference Number (1)	Period (2)	Range of amounts (3)
1.	1 January 1997 to day immediately before commencement date	Not greater than €5,000 but greater than €4,000
2.	1 January 1990 to 31 December 1996	Not greater than €5,000 but greater than €2,769
3.	1 January 1980 to 31 December 1989	Not greater than €5,000 but greater than €2,328
4.	1 January 1975 to 31 December 1979	Not greater than €5,000 but greater than €970
5.	1 January 1965 to 31 December 1974	Not greater than €5,000 but greater than €491
6.	1 January 1945 to 31 December 1964	Not greater than €5,000 but greater than €234
7.	1 January 1915 to 31 December 1944	Not greater than €5,000 but greater than €127
8.	Period ending on 31 December 1914	Not greater than €5,000 but greater than €100

5.—(1) Where an enactment enacted on or after the commencement date provides that a person who commits an offence under that or any other enactment shall be liable, upon summary conviction, to a class B fine, the reference to class B fine shall be construed as a reference to class B fine within the meaning of this Part. Class B fines.

(2) Subject to *subsection (3)*, where an enactment enacted during a period specified in *column (2)* of the Table opposite a particular reference number specified in *column (1)* of the Table provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that falls within the range of amounts specified in *column (3)* of the Table opposite the same reference number, a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine, but shall instead be liable to a class B fine.

(3) Where an enactment enacted before the commencement date provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that—

- (a) was provided for by virtue of a subsequent enactment enacted during a period specified in *column (2)* of the Table opposite a particular reference number specified in *column (1)* of the Table, and
- (b) falls within the range of amounts specified in *column (3)* of the Table opposite the same reference number,

a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine but shall instead be liable to a class B fine.

TABLE

Reference Number (1)	Period (2)	Range of amounts (3)
1.	1 January 1997 to day immediately before commencement date	Not greater than €4,000 but greater than €2,500
2.	1 January 1990 to 31 December 1996	Not greater than €2,769 but greater than €1,731
3.	1 January 1980 to 31 December 1989	Not greater than €2,328 but greater than €1,455
4.	1 January 1975 to 31 December 1979	Not greater than €970 but greater than €606
5.	1 January 1965 to 31 December 1974	Not greater than €491 but greater than €307
6.	1 January 1945 to 31 December 1964	Not greater than €234 but greater than €147
7.	1 January 1915 to 31 December 1944	Not greater than €127 but greater than €79
8.	Period ending on 31 December 1914	Not greater than €100 but greater than €50

Class C fines.

6.—(1) Where an enactment enacted on or after the commencement date provides that a person who commits an offence under that or any other enactment shall be liable, upon summary conviction, to a class C fine, the reference to class C fine shall be construed as a reference to class C fine within the meaning of this Part.

(2) Subject to subsection (3), where an enactment enacted during a period specified in column (2) of the Table opposite a particular reference number specified in column (1) of the Table provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that falls within the range of amounts specified in column (3) of the Table opposite the same reference number, a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine, but shall instead be liable to a class C fine.

(3) Where an enactment enacted before the commencement date provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that—

- (a) was provided for by virtue of a subsequent enactment enacted during a period specified in column (2) of the Table opposite a particular reference number specified in column (1) of the Table, and
- (b) falls within the range of amounts specified in column (3) of the Table opposite the same reference number,

a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine but shall instead be liable to a class C fine.

TABLE

Reference Number (1)	Period (2)	Range of amounts (3)
1.	1 January 1997 to day immediately before commencement date	Not greater than €2,500 but greater than €1,000
2.	1 January 1990 to 31 December 1996	Not greater than €1,731 but greater than €692
3.	1 January 1980 to 31 December 1989	Not greater than €1,455 but greater than €582
4.	1 January 1975 to 31 December 1979	Not greater than €606 but greater than €242
5.	1 January 1965 to 31 December 1974	Not greater than €307 but greater than €123
6.	1 January 1945 to 31 December 1964	Not greater than €147 but greater than €59
7.	1 January 1915 to 31 December 1944	Not greater than €79 but greater than €32
8.	Period ending on 31 December 1914	Not greater than €50 but greater than €25

7.—(1) Where an enactment enacted on or after the commencement date provides that a person who commits an offence under that or any other enactment shall be liable, upon summary conviction, to a class D fine, the reference to class D fine shall be construed as a reference to class D fine within the meaning of this Part. Class D fines.

(2) Subject to subsection (3), where an enactment enacted during a period specified in column (2) of the Table opposite a particular reference number specified in column (1) of the Table provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that falls within the range of amounts specified in column (3) of the Table opposite the same reference number, a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine, but shall instead be liable to a class D fine.

(3) Where an enactment enacted before the commencement date provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that—

- (a) was provided for by virtue of a subsequent enactment enacted during a period specified in column (2) of the Table opposite a particular reference number specified in column (1) of the Table, and
- (b) falls within the range of amounts specified in column (3) of the Table opposite the same reference number,

a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine but shall instead be liable to a class D fine.

TABLE

Reference Number (1)	Period (2)	Range of amounts (3)
1.	1 January 1997 to day immediately before commencement date	Not greater than €1,000 but greater than €500
2.	1 January 1990 to 31 December 1996	Not greater than €692 but greater than €346
3.	1 January 1980 to 31 December 1989	Not greater than €582 but greater than €291
4.	1 January 1975 to 31 December 1979	Not greater than €242 but greater than €121
5.	1 January 1965 to 31 December 1974	Not greater than €123 but greater than €61
6.	1 January 1945 to 31 December 1964	Not greater than €59 but greater than €29
7.	1 January 1915 to 31 December 1944	Not greater than €32 but greater than €16
8.	Period ending on 31 December 1914	Not greater than €25 but greater than €6

Class E fines.

8.—(1) Where an enactment enacted on or after the commencement date provides that a person who commits an offence under that or any other enactment shall be liable, upon summary conviction, to a class E fine, the reference to class E fine shall be construed as a reference to class E fine within the meaning of this Part.

(2) Subject to subsection (3), where an enactment enacted during a period specified in column (2) of the Table opposite a particular reference number specified in column (1) of the Table provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that falls within the range of amounts specified in column (3) of the Table opposite the same reference number, a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine, but shall instead be liable to a class E fine.

(3) Where an enactment enacted before the commencement date provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that—

- (a) was provided for by virtue of a subsequent enactment enacted during a period specified in column (2) of the Table opposite a particular reference number specified in column (1) of the Table, and
- (b) falls within the range of amounts specified in column (3) of the Table opposite the same reference number,

a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine but shall instead be liable to a class E fine.

TABLE

Reference Number (1)	Period (2)	Range of amounts (3)
1.	1 January 1997 to day immediately before commencement date	Not greater than €500
2.	1 January 1990 to 31 December 1996	Not greater than €346
3.	1 January 1980 to 31 December 1989	Not greater than €291
4.	1 January 1975 to 31 December 1979	Not greater than €121
5.	1 January 1965 to 31 December 1974	Not greater than €61
6.	1 January 1945 to 31 December 1964	Not greater than €29
7.	1 January 1915 to 31 December 1944	Not greater than €16
8.	Period ending on 31 December 1914	Not greater than €6

9.—(1) Subject to *subsection (2)*, where the maximum fine upon conviction on indictment of an offence is specified in an enactment that was enacted during a period specified in *column (2)* of the Table opposite a particular reference number specified in *column (1)* of the Table, a person who commits that offence after the commencement date shall not be liable to that fine, but shall, instead, be liable, upon conviction on indictment, to a fine not exceeding an amount calculated by multiplying the said maximum fine by the multiplier specified in *column (3)* of the Table opposite the same reference number.

Increase in amount of certain fines upon conviction on indictment.

(2) Where the maximum fine upon conviction on indictment of an offence specified in an enactment was provided for by virtue of a subsequent enactment that was enacted during a period specified in *column (2)* of the Table opposite a particular reference number specified in *column (1)* of the Table, a person who commits that offence after the commencement date shall not be liable to that fine, but shall, instead, be liable, upon conviction on indictment, to a fine not exceeding an amount calculated by multiplying the said maximum fine by the multiplier specified in *column (3)* of the Table opposite the same reference number.

TABLE

Reference Number (1)	Period (2)	Multiplier (3)
1.	1 January 1990 to 31 December 1996	1.75
2.	1 January 1980 to 31 December 1989	2
3.	1 January 1975 to 31 December 1979	5
4.	1 January 1965 to 31 December 1974	10

Reference Number (1)	Period (2)	Multiplier (3)
5.	1 January 1945 to 31 December 1964	21
6.	1 January 1915 to 31 December 1944	39
7.	Period ending on 31 December 1914	50

Summary trial of
indictable offences.

10.—(1) Section 4(1) (amended by section 17 of the Act of 1984) of the Criminal Justice Act 1951 is amended by the substitution of “class A fine within the meaning of *Part 2* of the *Fines Act 2010*” for “fine not exceeding £1,000”.

(2) Section 13(3)(a) (amended by section 17 of the Act of 1984) of the Criminal Procedure Act 1967 is amended by the substitution of “class A fine within the meaning of *Part 2* of the *Fines Act 2010*” for “fine not exceeding £1,000”.

(3) Section 53(2) of the Criminal Justice (Theft and Fraud Offences) Act 2001 is amended by the substitution of “class A fine within the meaning of *Part 2* of the *Fines Act 2010*” for “fine not exceeding £1,500”.

(4) In this section “Act of 1984” means the Criminal Justice Act 1984.

Regulations to
remove difficulties.

11.—(1) If, in any respect, any difficulty arises in bringing any provision of this Part into operation or in relation to the operation of any such provision, the Minister may, by regulations, do anything which appears to him or her to be necessary or expedient for removing that difficulty, for bringing that provision into operation or for securing or facilitating its operation, and any such regulations may modify any provision of this Part so far as may be necessary or expedient for carrying such provision into effect for the purposes aforesaid, but no regulations shall be made under this section in relation to any provision of this Part after the expiration of 3 years commencing on the day on which the provision came into operation.

(2) Where regulations are proposed to be made under this section, a draft of the regulations shall be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving the draft has been passed by each such House.

PART 3

PAYMENT AND RECOVERY OF FINES

Definitions.

12.—In this Part—

“Act of 1983” means the Criminal Justice (Community Service) Act 1983;

“Act of 1986” means the Courts (No. 2) Act 1986;

“approved person” has the meaning assigned to it by *section 20*;

“class A fine” has the same meaning as it has in *Part 2*;

“class B fine” has the same meaning as it has in *Part 2*;

“fine” means a fine imposed by a court on a person consequent upon his or her being convicted of an offence by that court;

“financial circumstances” means, in relation to a person who has been convicted of an offence—

- (a) the amount of the person’s annual income,
- (b) the aggregate value of all property (real and personal) belonging to the person,
- (c) the aggregate amount of all liabilities of the person including any duty (moral or legal) to provide financially for members of his or her family or other persons,
- (d) the aggregate of all monies owing to the person, the dates upon which they fall due to be paid and the likelihood of their being paid, and
- (e) such other circumstances as the court considers appropriate.

13.—(1) A notification under *subsection (2) of section 16* shall be addressed to the person concerned by name, and may be so served on or given to the person in one of the following ways: Service of documents.

- (a) by delivering it to the person;
- (b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address; or
- (c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address.

(2) For the purpose of this section, a company within the meaning of the Companies Acts shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.

14.—(1) The purpose of this section is to ensure as far as practicable that, where a court imposes a fine on a person, the effect of the fine on that person or his or her dependants is not significantly abated or made more severe by reason of his or her financial circumstances. Capacity of person to pay fine.

(2) Where a person of full age is convicted of an offence, the court shall, in determining the amount of the fine (if any) to impose in respect of the offence, take into account the person’s financial circumstances.

(3) For the purpose of this section, a court may, in making a determination under *subsection (2)*, impose a fine that is greater than, less than or equal to the otherwise appropriate fine, but in any case a court shall not impose a fine that is—

- (a) greater than the maximum fine (if any), or
- (b) less than the minimum fine (if any),

to which a person would be liable upon conviction of the offence concerned.

(4) Where a court has convicted a person in his or her absence or if a person who has been convicted of an offence fails or refuses to provide the court with information as to his or her financial circumstances, the court shall impose such fine as it considers appropriate in respect of the offence concerned taking into account such information (if any) as is known to the court concerning those circumstances.

(5) For the purposes of *subsection (2)*, the court may, by direction in writing, require the person convicted to attend before the court and provide the court with all such information as the court may require in relation to his or her financial circumstances.

(6) A person who knowingly or recklessly makes a statement (orally or in writing) that is false or misleading in any material respect to a court discharging its function under *subsection (2)* concerning a person's financial circumstances shall be guilty of an offence and shall be liable—

- (a) upon summary conviction to a class B fine or imprisonment for a term not exceeding 6 months or both, or
- (b) upon conviction on indictment to a fine not exceeding €25,000 or imprisonment for a term not exceeding 5 years or both.

(7) A person who fails or refuses to comply with a direction under *subsection (5)* shall be guilty of an offence and shall be liable—

- (a) upon summary conviction to a class B fine or imprisonment for a term not exceeding 6 months or both, or
- (b) upon conviction on indictment to a fine not exceeding €25,000 or imprisonment for a term not exceeding 5 years or both.

(8) This section does not apply in relation to the imposition of a fine where the court has no discretion in the determination of the amount of the fine.

(9) In this section “otherwise appropriate fine” means the fine that the court would impose on the person in respect of the offence concerned if, in determining the amount of the fine, it were not required to take into account the person's financial circumstances.

Payment of fines by instalments.

15.—(1) If, upon the application of a person on whom a court has imposed a fine, the court is satisfied that to require the person to pay the fine in full by the due date for payment would cause undue financial hardship to the person or his or her dependants, the court may direct that the fine be paid by instalments.

(2) Where a court gives a direction under *subsection (1)*—

- (a) the amounts of the instalments and the intervals at which they are to be paid shall, without prejudice to *paragraph (b)*, be specified in the direction, and
 - (b) the person to whom the direction applies shall, subject to *subsection (3)*, pay the final instalment of the fine concerned not later than one year, or such shorter period as the court may specify, after the due date for payment.
- (3) Upon the application of a person to whom a direction under *subsection (1)* applies, the court that gave the direction may, by further direction—
 - (a) extend the period for payment of the fine for such period as it considers appropriate provided that such period shall expire not later than 2 years after the due date for payment, and
 - (b) in consequence of that extension (but without prejudice to *paragraph (a)*), vary the amounts of the instalments concerned and the intervals at which they are to be paid.
- (4) A court shall not extend a period for payment of a fine under *subsection (3)* unless it is satisfied that—
 - (a) the financial circumstances of the person in respect of whom the extension concerned is granted have changed to the extent that requiring him or her to comply with *subsection (2)* would cause undue financial hardship to the person or his or her dependants, and
 - (b) the change in the person's financial circumstances is not due to his or her culpable neglect.
- (5) An application referred to in *subsection (3)* shall—
 - (a) be made as soon as may be after the change in the person's financial circumstances has occurred and—
 - (i) before the expiration of the period of one year referred to in *subsection (2)*, or
 - (ii) where the court specifies a shorter period in accordance with the said *subsection (2)*, before the expiration of the period so specified,
 - and
 - (b) be notified in writing by the person to the Courts Service not later than 7 days before the making of the application.
- (6) A court shall, when imposing a fine on a person, inform the person of his or her entitlement to make an application referred to in *subsection (1)*.
- (7) An application referred to in *subsection (1)* may be made at any time before the notification of the receiver under *subsection (2)* of *section 16*.
- (8) This section shall only apply to fines that are greater than €100.

(9) In this section “due date for payment” means, in relation to a fine, the date by which the fine would, but for a direction under this section, be required to be paid in accordance with the order of the court that imposed the fine.

Appointment of
receiver in default
of payment of fine.

16.—(1) A court shall, when imposing a fine on a person consequent upon his or her being convicted of an offence, make an order (in this section referred to as a “recovery order”) appointing an approved person (in this section referred to as a “receiver”) to—

(a) recover—

- (i) the fine, or, as may be appropriate, that part of the fine that, upon the notification of the receiver under *subsection (2)*, remains unpaid, and
- (ii) the fees of the receiver and the expenses reasonably incurred by the receiver in the performance of his or her functions, or

(b) seize and sell property belonging to the first-mentioned person and recover from the proceeds of the sale of that property a sum equal to the amount of—

- (i) the fine, or, as may be appropriate, that part of the fine that, upon the notification of the receiver under *subsection (2)*, remains unpaid, and
- (ii) the fees of the receiver and the expenses reasonably incurred by the receiver in the performance of his or her functions.

(2) A recovery order shall not enter into force unless the person in respect of whom the order is made fails to pay the fine by the due date for payment and, where the person so fails, the order shall have effect from the day immediately following the day on which the Courts Service notifies the receiver concerned in writing that the person has failed to pay the fine by that date.

(3) A recovery order may authorise the receiver appointed thereunder (alone or accompanied by such and so many members of the Garda Síochána as he or she considers necessary) to—

- (a) enter (if necessary by the use of reasonable force) any premises, including a dwelling, at which he or she has reasonable grounds for believing property belonging to the person is located,
- (b) demand, and take possession of (if necessary by the use of reasonable force), any property specified in the order or that belongs to the person,
- (c) issue receipts in respect of any property of which the receiver has taken possession,
- (d) manage, dispose of, retain or otherwise deal with the property,
- (e) insure the property, and

- (f) inspect, at all reasonable times, any books, documents or other records that contain information relating to property belonging to the person.

(4) A receiver shall perform his or her functions subject to any directions or conditions specified in the recovery order by which he or she is appointed, including any directions or conditions with regard to the receiver's paying amounts received by him or her into court.

(5) A receiver may, at any time after receiving a notification under *subsection (2)*, apply to the court that made the recovery order under which he or she was appointed for directions in relation to the performance of his or her functions under this Act.

(6) Any person who is in possession of property belonging to the person in relation to whose property a receiver has been appointed shall deliver that property to the receiver upon the receiver making a demand of him or her in that behalf.

- (7) (a) Where the receiver sells property belonging to the person in relation to whose property the receiver has been appointed and the proceeds of the sale exceed the amount of the fine or the amount of the fine remaining unpaid, as the case may be, the receiver shall pay to the person so much of those proceeds as exceeds that amount.

- (b) In this subsection "fine" includes the fees of the receiver and any expenses reasonably incurred by the receiver in the performance of his or her functions.

(8) A person who—

- (a) fails to comply with *subsection (6)*, or
- (b) obstructs or interferes with a receiver in the course of the performance by him or her of his or her functions or impedes the performance by the receiver of those functions,

shall be guilty of an offence and shall be liable upon summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both.

(9) (a) The Minister may, by order, specify—

- (i) the fees that a receiver may deduct from any sum or sums recovered by him or her, or obtained from the proceeds of the sale of any property by him or her, in accordance with this section, or

- (ii) the rates at which fees that may be so deducted shall be calculated.

- (b) The Minister shall not make an order under this subsection without the consent of the Minister for Finance.

(10) The receiver shall make and maintain a record in writing of—

- (a) the fees deducted, and
- (b) the expenses incurred and deducted,

by him or her from the sum or sums recovered, or the proceeds of the sale of any property sold, by him or her pursuant to a recovery order.

(11) The receiver shall, not later than 6 months after the performance by him or her of his or her functions pursuant to a recovery order, give to the Courts Service the record required to be made and maintained under *subsection (10)* relating to that recovery order.

(12) If a receiver makes, or causes to be made, an entry in a record required to be made and maintained under *subsection (10)* that—

(a) is false or misleading in any material respect, and

(b) he or she knows to be false or misleading,

he or she shall be guilty of an offence and shall be liable—

(i) upon summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both, or

(ii) upon conviction on indictment to a fine not exceeding €50,000 or imprisonment for a term not exceeding 5 years or both.

(13) A record required to be made and maintained under *subsection (10)* shall be in such form as the Courts Service shall determine.

(14) In this section—

“due date for payment” means, in relation to a fine—

(a) the date specified by the court that imposed the fine as being the date by which the fine is required to be paid, or

(b) where a direction is given under *section 15*, the date by which the final instalment of the fine is required to be paid in accordance with that direction;

“property” means land or personal property.

Monies recovered
by receiver under
section 16.

17.—Monies paid into the court or otherwise received by it as a result of the appointment of a receiver under *section 16* shall be paid to the Minister for Finance and such monies shall be paid to, or disposed of for the benefit of, the Exchequer in such manner as the Minister for Finance may direct.

Community service
order in default of
payment of fine.

18.—(1) The Act of 1983 is amended—

(a) by the insertion of the following definitions in subsection (1) of section 1:

“ ‘Act of 2010’ means the *Fines Act 2010*;

‘fine’ has the same meaning as it has in section 2 (amended by *subparagraph (iii)* of *section 19(a)* of the Act of 2010) of the Courts (No. 2) Act 1986;”,

(b) by the insertion of the following subsections in section 2:

“(2) This Act also applies to a person (in this Act also referred to as an ‘offender’) who—

- (a) has attained the age of 16 years, and
- (b) stands convicted of an offence in respect of which the court has imposed a fine that the offender has failed to pay by the due date for payment.

(3) In this section ‘due date for payment’ means, in relation to a fine—

- (a) the date specified by the court that imposed the fine as being the date by which the fine is required to be paid, or
- (b) where a direction is given under *section 15* of the Act of 2010, the date by which the final instalment of the fine is required to be paid in accordance with that direction.”,

(c) in section 3, by—

(i) the insertion of the following subsection:

“(1A) Where a court is satisfied that—

(a) a receiver appointed under *section 16* of the Act of 2010 has been unable to recover—

(i) the fine imposed by it in relation to an offender to whom subsection (2) of section 2 applies, or

(ii) a sum or sums from the sale of property belonging to that offender sufficient to pay that fine,

and

(b) that, in relation to the offender, the provisions of section 4 have been complied with,

it may make an order (in this Act also referred to as a ‘community service order’) in accordance with this section.”,

and

(ii) the substitution of the following subsection for subsection (2):

“(2) A community service order shall require the offender to perform, in accordance with this Act, unpaid work for such number of hours as are specified in the order, being—

(a) in the case of an offender to whom subsection (1) of section 2 applies, not less than 40 hours and not greater than 240 hours,

- (b) in the case of an offender to whom subsection (2) of section 2 applies who was convicted on indictment of the offence concerned, not less than 40 hours and not greater than 240 hours, and
- (c) in the case of an offender to whom subsection (2) of section 2 applies who was convicted summarily of the offence concerned, not less than 30 hours and not greater than 100 hours.”,
- (d) by the insertion, in section 5, of the following subsections:

“(2A) The hours of work specified in a community service order under subsection (1A) (inserted by *section 18* of the Act of 2010) of section 3 shall be additional to any hours of work specified in any other community service order made in respect of the offender.

(2B) In determining the number of hours of work to specify in a community service order under subsection (1A) of section 3 the court shall take account of—

- (a) any sum or sums paid by the offender concerned in satisfaction of part of the fine, and
- (b) any part of the fine, or any sum or sums from the proceeds of the sale of property of the offender sufficient to pay part only of that fine, recovered by the receiver appointed under *section 16* of the Act of 2010.”,
- (e) by the insertion, in section 7, of the following subsection:

“(6) Subsection (4) shall not apply to an offender to whom subsection (2) of section 2 applies.”.

(2) Section 2 of the Act of 1983 as it stood immediately before the commencement of this section shall, immediately after such commencement, be subsection (1) of the said section 2.

Imprisonment in default of payment of fine.

19.—The Act of 1986 is amended—

- (a) in section 2, by—
 - (i) the substitution of the following subsection for subsection (1):

“(1) Where a court is satisfied that—

 - (a) a receiver appointed under *section 16* of the *Fines Act 2010* has been unable to recover—
 - (i) a fine imposed on a person consequent upon his or her summary conviction of an offence, or
 - (ii) a sum or sums from the proceeds of the sale of property belonging to that person sufficient to pay that fine,

and

- (b) that, in relation to the person, the provisions of section 4 of the Criminal Justice (Community Service) Act 1983 have not been complied with,

it may make an order committing the person to prison for a term not exceeding the appropriate period of imprisonment specified in the Table.”,

- (ii) the insertion of the following subsections:

“(1A) Where a court has made a community service order within the meaning of subsection (1A) (inserted by *section 18(1)(c)* of the *Fines Act 2010*) of section 3 of the Criminal Justice (Community Service) Act 1983 consequent upon the summary conviction of a person of an offence, it shall, if satisfied that the person in respect of whom it made the order fails to comply with a requirement specified in subsection (1)(b) of section 7 of that Act, make an order committing the person to prison for a term not exceeding the appropriate period specified in the Table.

(1B) For the purposes of determining the appropriate period of imprisonment specified in the Table, the amount of the fine shall be the fine less—

- (a) any sum or sums paid by the person on whom the fine was imposed in satisfaction of part of the fine, and
- (b) any sum or sums recovered (whether from the proceeds of the sale of property belonging to the person or otherwise) by the receiver appointed under *section 16* of the *Fines Act 2010*.”,

- (iii) the insertion, after the words “ordered to be paid”, in the definition of “fine” in subsection (4), of the following “, but does not include the fees of, or expenses incurred by, a receiver appointed under *section 16* of the *Fines Act 2010*”,

and

- (iv) the insertion of the following Table:

“TABLE

Amount of Fine	Period of Imprisonment
Not greater than €500	5 days
Greater than €500 but not greater than €1,500	10 days
Greater than €1,500 but not greater than €3,000	20 days
Greater than €3,000	30 days

”,

and

(b) by the insertion of the following section:

“Imprisonment
on conviction
on indictment
in default of
payment of
fine.

2A.—(1) Where a court is satisfied that—

(a) a receiver appointed under *section 16* of the *Fines Act 2010* has been unable to recover—

(i) a fine imposed on a person consequent upon his or her conviction on indictment of an offence, or

(ii) a sum or sums from the proceeds of the sale of property belonging to that person sufficient to pay that fine,

and

(b) that, in relation to the person, the provisions of *section 4* of the *Criminal Justice (Community Service) Act 1983* have not been complied with,

it may make an order committing the person to prison for a term not exceeding 12 months.

(2) Where a court has made a community service order within the meaning of subsection (1A) of *section 3* of the *Criminal Justice (Community Service) Act 1983* consequent upon the conviction of a person on indictment of an offence, it shall, if satisfied that the person in respect of whom it made the order fails to comply with a requirement specified in subsection (1)(b) of *section 7* of that Act, make an order committing the person to prison for a term not exceeding 12 months.

(3) A court shall, for the purpose of determining the term for which a person shall be committed to prison under this section, take account of—

(a) any sum or sums paid by the person in satisfaction of part of the fine, and

(b) any sum or sums recovered (whether from the proceeds of the sale of property belonging to the person or otherwise) by the receiver appointed under *section 16* of the *Fines Act 2010*.

(4) In this section ‘fine’ has the same meaning as it has in section 2 (amended by *subparagraph (iii) of section 19(a) of the Fines Act 2010*) of this Act.”.

20.—(1) The Government may, upon the nomination of the Minister, approve such person or persons for the purposes of *section 16*, and a person so approved is in this Part referred to as an “approved person”.

Approval by Government of persons for purposes of *section 16*.

(2) The Minister shall not make a nomination under this section without the consent of the Minister for Finance.

(3) The Government may attach such conditions to an approval under this section as it considers appropriate.

21.—(1) The Courts Service may, from time to time, publish in such manner as it considers appropriate (including on the internet) a list of the names and addresses of persons who have failed to pay fines imposed on them by the due date for payment.

Publication of list of names of persons who fail to pay fines on time.

(2) In any particular case—

(a) the Courts Service shall not publish a person’s name and address pursuant to this section before the notification of the receiver under *subsection (2) of section 16* of the person’s failure to pay the fine by the due date for payment, and

(b) the Courts Service shall not publish a person’s name and address in accordance with this section if, after the due date for payment but before the person’s name and address are so published, the person pays the fine concerned.

(3) The Courts Service shall remove the name and address of a person published in a list referred to in *subsection (1)* on the internet—

(a) not later than 8 weeks after they were so published, or

(b) if the person pays the fine concerned before the expiration of that period, upon the payment by the person of the fine,

whichever occurs earlier.

(4) In this section “due date for payment” means, in relation to a fine—

(a) the date specified by the court that imposed the fine as being the date by which the fine is required to be paid, or

(b) where a direction is given under *section 15*, the date by which the final instalment of the fine is required to be paid in accordance with that direction.

Repeal.

22.—The following enactments are repealed:

- (a) section 43(2) of the Criminal Justice Administration Act 1914; and
- (b) section 195 of the Criminal Justice Act 2006.