



DÁIL ÉIREANN

**AM BILLE FINEÁLACHA (ÍOC AGUS GNÓTHÚ), 2013
FINES (PAYMENT AND RECOVERY) BILL 2013**

**LEASUITHE A RINNE AN SEANAD
AMENDMENTS MADE BY THE SEANAD**

DÁIL ÉIREANN

AM BILLE FÍNEÁLACHA (ÍOC AGUS GNÓTHÚ), 2013 [BILLE DÁIL ARNA LEASÚ AG AN SEANAD]

FINES (PAYMENT AND RECOVERY) BILL 2013 [DÁIL BILL AMENDED BY THE SEANAD]

*Leasuithe a rinne an Seanad
Amendments made by the Seanad*

*[The page and line references in this list of amendments are to the text of the Bill as amended
in the Select Committee on Justice, Defence and Equality.]*

SECTION 6

1. In page 9, line 37, to delete “Subject to *paragraph (b)*, the option” and substitute “The option”.
2. In page 10, to delete lines 2 to 4 and substitute the following:

“(b) Where 2 or more fines are imposed on a person at a court sitting and the option to pay any one or more of those fines by instalments is not available because of the operation of *paragraph (a)*, the court may, in its order specifying the date by which such a fine is required to be paid in respect of which such option is not available, specify, if it thinks it appropriate in all the circumstances, a date that is later than the date it would have specified if that option had been available in respect of that fine but not taken by the fined person.”.

SECTION 7

3. In page 10, to delete lines 16 to 21 and substitute the following:

- “(a) subject to *subsection (2)**, make a recovery order,
- (b) make an attachment order, or
- (c) make a community service order if section 4 of the Act of 1983 has been complied with.
- (2) The court shall not make a recovery order in respect of the fined person (not being a body corporate) unless the fine or, as may be appropriate, that part of the fine that remains unpaid—
- (a) exceeds such amount greater than €500 as may be prescribed, or
- (b) if no such amount stands prescribed, exceeds €500.”.

*[*This is a reference to the subsection proposed to be inserted by this amendment]*

[Section 7]

4. In page 10, to delete lines 35 to 38 and substitute the following:

- “(4) (a) The court shall, after considering a statement provided to it pursuant to *subsection (3)* in deciding what order to make under *subsection (1)*—
- (i) first, give consideration to making an attachment order in respect of the fined person, and
 - (ii) second, if it is satisfied that it would not be appropriate for it to make an attachment order in respect of the fined person, give consideration to making, subject to *subsection (2)**, a recovery order or community service order in respect of the fined person.
- (b) Where the court is satisfied that it would not be appropriate for it to make an attachment order, recovery order or community service order in respect of the fined person, it may commit the person to prison in accordance with section 2 or 2A of the Act of 1986.”.

[*This is a reference to the subsection proposed to be inserted by amendment 3]

SECTION 8

5. In page 11, line 25, to delete “*subsection (4)*” and substitute “*section 7(2)*”.

SECTION 20

6. In page 24, between lines 27 and 28, to insert the following:

“(iii) by deleting subsection (2),”.