



DÁIL ÉIREANN

AN BILLE FÍNEÁLACHA (ÍOC AGUS GNÓTHÚ), 2013 FINES (PAYMENT AND RECOVERY) BILL 2013

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE FÍNEÁLACHA (ÍOC AGUS GNÓTHÚ), 2013 —ROGHCHOISTE

FINES (PAYMENT AND RECOVERY) BILL 2013 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 2

1. In page 4, to delete lines 1 to 12 and substitute the following:

“ “appropriate court official”—

- (a) in relation to a fine imposed by the District Court, means the district court clerk for the district court area in which the fine was imposed,
- (b) in relation to a fine imposed by the Circuit Court, means the county registrar for the county in which the fine was imposed or, if a combined court office has been established under the Courts and Court Officers Act 2009 in respect of that county, the manager of that combined court office,
- (c) in relation to a fine imposed by the High Court, means the principal officer serving in the Central Office attached to the High Court who manages such Central Office, and
- (d) in relation to a fine imposed by the Central Criminal Court, means the registrar of the Central Criminal Court;”.

—An tAire Dlí agus Cirt agus Comhionannais.

2. In page 4, line 13, after “*section 14(1)*” to insert “, including such an order as varied under *section 14(4)(a)*”.

*[*This refers to the subsection proposed to be inserted by amendment No. 11.]*

—An tAire Dlí agus Cirt agus Comhionannais.

3. In page 5, line 11, to delete “compensation, costs” and substitute “costs, compensation”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 6

4. In page 8, line 4, to delete “12 months” and substitute “24 months”.

—Pádraig Mac Lochlainn.

SECTION 6

5. In page 8, to delete lines 6 to 16.

—An tAire Dlí agus Cirt agus Comhionannais.

6. In page 8, lines 22 and 23, to delete “10 per cent of the value of the fine” and substitute “€50”.

—Pádraig Mac Lochlainn.

7. In page 8, to delete lines 24 to 35.

—Pádraig Mac Lochlainn.

SECTION 8

8. In page 10, line 42, to delete “may” and substitute “shall”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 14

9. In page 16, line 4, to delete “Where” and substitute “Subject to *subsection (4)**, where”.

—An tAire Dlí agus Cirt agus Comhionannais.

*[*This refers to the subsection proposed to be inserted by amendment No. 11.]*

10. In page 16, line 15, after “to” to insert “*subsection (4)** and”.

—An tAire Dlí agus Cirt agus Comhionannais.

*[*This refers to the subsection proposed to be inserted by amendment No. 11.]*

11. In page 16, between lines 35 and 36, to insert the following:

“(4) Where the court is given a notice under *section 15(4)** by the employer of the fined person, it may, as appropriate—

- (a) make an order (“variation order”) varying the attachment order concerned to take account of what is stated in the notice and, in any such case—

(i) the appropriate court official shall cause the variation order to be served on that employer, and

(ii) *subsection (3) of section 15* shall apply to the attachment order as so varied as if the reference in that subsection to “but is not liable for non-compliance before 10 working days have elapsed since the service of the order” were a reference to “but is not liable for non-compliance before 10 working days have elapsed since the service of the variation order”,

or

- (b) revoke the attachment order concerned and, in any such case, the appropriate court official shall give notice in writing to the employer of such revocation.”.

—An tAire Dlí agus Cirt agus Comhionannais.

*[*This refers to the subsection proposed to be inserted by amendment No. 12.]*

SECTION 15

12. In page 17, between lines 4 and 5, to insert the following:

“(4) Where, at any time while the attachment order is in force, it comes to the attention of the employer to whom it is directed that the fined person’s earnings are, for whatever reason, insufficient to meet one or more than one deduction required to be made from those earnings in compliance with the order, the employer shall give notice in writing of that fact (including the circumstances which gave rise to that fact) to the court within 10 working days from the date that it comes to the employer’s attention that the fined person’s earnings are so insufficient.”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 16

13. In page 17, to delete line 48, and in page 18, to delete lines 1 to 9, and substitute the following:

“(2) Where—

- (a) the fined person advises the court that he or she is no longer in employment in accordance with *subsection (1)(a)(ii)(II)*,
- (b) the employer of the fined person to whom the attachment order is directed advises the court that the fined person has ceased to be in the employment of the employer, or
- (c) the attachment order which relates to the fined person is revoked under *paragraph (b) of section 14(4)**,

subsection (3) shall apply (unless the fined person has elected to pay the remaining balance of the fine to the court under *section 17(1)* or the court decides otherwise in the interests of justice).”.

—An tAire Dlí agus Cirt agus Comhionannais.

[*This refers to the subsection proposed to be inserted by amendment No. 11.]

SECTION 17

14. In page 19, to delete lines 5 and 6 and substitute the following:

“(b) when the employer is given a notice under *subsection (1)*,

- (c) subject to *section 15(4)*, if the employer is not the fined person’s employer at the time when the service of the order is effected, or”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 21

15. In page 26, line 1, to delete “in a prepaid registered letter”.

—An tAire Dlí agus Cirt agus Comhionannais.

NEW SECTION

16. In page 26, after line 32, to insert the following:

“Application of monies where only part of fine is paid

24. Where monies applied towards the payment of a fine are insufficient to pay the fine in full, the monies shall be applied in the following order:

- (a) first, towards the payment of that part of the fine which is the costs referred to in the definition of “fine” in *section 2(1)*;
- (b) second (if any monies remain), towards the payment of that part of the fine which is the compensation referred to in that definition;
- (c) third (if any monies remain), towards the payment of that part of the fine which is the expenses referred to in that definition; and
- (d) fourth (if any monies remain), towards the payment of the remainder of the fine.”.

—An tAire Dlí agus Cirt agus Comhionannais.