



**SEANAD ÉIREANN**

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

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

## AM BILLE FÍNEÁLACHA (ÍOC AGUS GNÓTHÚ), 2013 —AN COISTE

### FINES (PAYMENT AND RECOVERY) BILL 2013 —COMMITTEE STAGE

#### *Leasuithe Amendments*

*\*Government amendments are denoted by an asterisk*

#### 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]

\*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

[SECTION 7]

(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)*”.

6. In page 11, to delete all words from “receiver,” in line 35 down to and including “amount of—” in line 38 and in page 12, to delete lines 1 to 4 and substitute the following:

“receiver.”.

—*Senator Feargal Quinn.*

*Section opposed.*

—*Senator Feargal Quinn.*

SECTION 14

*Section opposed.*

—*Senator Feargal Quinn.*

SECTION 15

*Section opposed.*

—*Senator Feargal Quinn.*

SECTION 16

7. In page 19, to delete lines 2 to 28.

—*Senator Feargal Quinn.*

SECTION 20

\*8. In page 24, between lines 27 and 28, to insert the following:

“(iii) by deleting subsection (2),”.

SECTION 23

9. In page 27, lines 5 and 6, to delete all words from and including “Protection,” in line 5 down to and including line 6 and substitute the following:

“Protection.”.

—*Senator Feargal Quinn.*