



Northern  
Ireland  
Office

**FINE DEFAULT IN  
NORTHERN IRELAND:  
EQUALITY IMPACT  
SCREENING EXERCISE**

**JULY 2008**

## **PART I**

### **1. SCOPING THE POLICY**

#### **1. Title of policy**

**Fine Default in Northern Ireland – A Consultation**

#### **2. Brief description of policy. Do any other policies interact with this policy?**

The Review of Sentencing Framework carried out in 2005 identified a need to improve the problem of fine default and one of the aims of the Criminal Justice (NI) Order 2008 is to reserve custody for those whose offences merit it. In the last two years almost 2000 people per year have ended up in Northern Ireland's prisons for fine default and with the 2008 Order recently creating a new community based option for dealing with fine default (the Supervised Activity Order), it is a timely opportunity to look at the systems in place to further address the problem of fine default.

This screening exercise looks at proposals for improving systems around the collection of fines as set out in the NIO consultation paper 'Fine Default in Northern Ireland; A Consultation' (July 2008). It provides a brief overview of the policy aims and objectives with full details in the consultation document itself. The main paper presents a full range of options for consideration and consultation.

The paper identifies four key areas where the systems around the use of the fine might be improved: - setting the fine; collecting the fine; dealing with default and strengthening the fine.

A parallel Northern Ireland Office consultation on 'Alternatives to Prosecution' that contained ideas around the issue of fixed penalty notices and prosecutorial fines has recently concluded. These provide other ways of achieving appropriate penalties and procedures for low level offending.

#### **3. Aims of policy**

The current enforcement system for fine default results in almost 2000 people per year going to prison for non payment. And while committal to custody in the event of default may need to be retained as an ultimate sanction, imprisonment should not be the standard punishment for fine default. Rather than resorting to imprisonment, the goal is to establish a system that tries to encourage payment and deals with default in a more flexible and innovative way.

Our intention is to create a more efficient, effective and fair system in 3 key ways:-

- Increasing the number of fines paid on time and reducing instances of default
- Reducing the police time and resources being used in fine enforcement; and
- Reducing the numbers imprisoned for fine default.

#### **4. Who is responsible for devising and delivering the policy?**

The Criminal Justice Directorate is the NIO lead on this initiative. A joint working group with the Northern Ireland Court Service will work on the further development of relevant proposals arising from consultation.

#### **5. Are there any linkages to NI Departments or NDPBs in relation to this policy/legislation? How are these interfaces managed?**

Any changes to the policy on fine default will have implications across a range of criminal justice interests including:-

- Northern Ireland Prison Service
- Northern Ireland Court Service
- Police Service Northern Ireland
- The Judiciary
- The Public Prosecution Service
- The Legal profession

These bodies and agencies will be consulted on the future development of any proposals.

#### **6. Who is the policy/legislation likely to impact upon? What data is available to facilitate the screening exercise?**

Any changes introduced to the policy of fine default will have an impact upon fine defaulters. Statistics on fines and fine default may be found at Annex A.

**Table 1: Numbers sentenced by all courts 1997-2006** illustrates that the fine is the most frequently used penalty in Northern Ireland's courts. Over recent years between 17,000 and 20,000 offenders have been fined annually in Magistrates' courts – roughly 70% of sentences given in those courts. And in terms of the sentences imposed – because one offender can receive multiple fines – upwards of 45,000 fines can be imposed in any one year.<sup>1</sup>

<sup>1</sup> Based on police prosecutions and the principal offence for which an offender is convicted. NI Court Service figures reflect the total number of fines imposed which is inevitably much higher than the number of people fined. They also include non-police prosecutions.

Whilst numbers in Crown Courts are inevitably much lower because of the serious nature of prosecutions brought at that level, in overall terms nearly two thirds of all offenders across all of Northern Ireland's courts are fined.

The fine can be a very effective disposal. It is the most appropriate penalty for the vast majority of summary offences; it has a compliance rate of around 95%; and only 16% of those fined were reconvicted within two years of sentence. **Table 2** provides a breakdown of offences for which fines were imposed in 2006 and **Table 3** illustrates the amount of fines imposed from 2004/05 to 2006/07.

However less than half of fines imposed are paid on time; court and police enforcement procedures are required to raise the initial 45% compliance rate to 95%; and at the end of the process nearly 2000 people are imprisoned for defaulting on a fine.

Fine defaulters are those who have been given a fine by the courts (strictly a fine or a custodial sentence); have not paid the fine within a stipulated time; and have then been the subject of a warrant issued by the court. Only around 5% of those fined in any given year are imprisoned due to default. The duration of sentence is dependent upon the amount of the unpaid fine and ranges from one week where the default is £200 or less, to ten years where the default exceeds £1 million. **Table 4** illustrates fine default receptions in 2006 by fine level and fine amount.

**Table 5** illustrates the average fine default prison population by gender from 1997 to 2006. Fine defaulters represent a small part of the overall average prison population due to the short duration of their time in prison (in 2006 the average time served for fine default was 4 days). The average fine defaulter prison population in 2006 was 29, slightly higher than the previous year (25). The daily average number of fine defaulters has fluctuated during the last decade, reaching a high of 33 in 1999 and a low of 17 in 2002. Proportionately, fine defaulters have constituted between 2% and 3% of the total average prison population during the last decade.

However **Table 6** illustrates that the number of fine default receptions is substantial and accounts for 30% of all receptions. The 2006 figure (1,951) was 8% higher than for 2005 (1,814) and was the fourth consecutive annual increase.

## **7. Who will implement the policy?**

The Judiciary, the Northern Ireland Court Service, the Police Service of Northern Ireland and the Northern Ireland Prison Service will implement appropriate and relevant aspects of the policies that are developed.

## PART II

### 2. SCREENING ANALYSIS

1 Is there any evidence or indication of higher or lower participation or uptake by different groups? If so, please indicate below.

CATEGORY	YES	NO	DON'T KNOW
Gender	✓		
Sexual orientation		✓	
Religion		✓	
Political opinion		✓	
Disability (physical and learning)		✓	
Race or ethnic origin (includes Travellers)		✓	
Age	✓		
Dependant responsibilities		✓	
Marital status		✓	

Please give reasons for your answer, including sources of data used.

#### **Sources**

The NIO Statistics and Research paper 'Northern Ireland Prison Population 2006' Bulletin 4/2007 by C O'Loan and K Amelin examined the size and composition of the prison population compared with previous years during the last decade (1997 to 2006). A copy of the report may be found on the NIO website using the following link.

[http://www.nio.gov.uk/2007\\_the\\_northern\\_ireland\\_prison\\_population\\_in\\_2006.pdf](http://www.nio.gov.uk/2007_the_northern_ireland_prison_population_in_2006.pdf)

Further statistics for fine default may be found at Annex A.

#### **Availability of Data**

Data on each Section 75 category is not routinely available in relation to many criminal justice matters. There are sensitivities around collecting personal characteristics such as religion, political opinion, sexual orientation etc within the criminal justice process. Confidentiality and data protection issues; concerns about the use to which such information might be put; balancing human rights, monitoring, and independence in the criminal justice system, all cause difficulties in Section 75 in the criminal justice field. Information relating to offenders has age and gender routinely collected but no such information exists on other categories.

## Gender

**Table 5** illustrates that males accounted for 97% of the average total prison population in 2006 and during 1997 to 2006 the male proportion of the fine defaulter population ranged from 91% to 97%.

**Table 6** records fine default receptions by gender and illustrates males are much more frequently received for fine default than females. Within the genders however female receptions are more likely to be for fine default – on average 44% across the past 10 years – compared to 31% for males.

Most of the fine defaulters who end up in custody have defaulted on fines imposed for relatively minor offences. **Table 7** records fine default receptions in 2006 by offence and gender. From this information we note that 55% (1071) of fine defaulters imprisoned in 2006 had been fined for motoring offences and approximately 94% (1009) of those fined were male. The most common offence was driving without insurance, which was the original offence of 37% of imprisoned fine defaulters.

## Age

**Table 8** records fine default receptions in 2006 by age and gender. 27% of male prison receptions for fine default were 20 years of age or under. 61% were 30 years of age or under. For females the equivalent figures were 7% and 34% respectively showing female fine defaulters to be slightly older than males.

## Summary

In terms of offenders any changes are most likely to impact on young males who are more likely to be fine defaulters than any other group. However the impact on this group should be a positive one given that one of the main aims of any change proposed will be to reduce the number of fine defaulters going to prison. Rather than resorting to imprisonment, the goal is to establish a system that tries to encourage payment and deals with default in a more flexible and innovative way.

**2. Is there any evidence or indication that different groups have different needs, experiences, issues or priorities in relation to the particular policy?**

CATEGORY	YES	NO	DON'T KNOW
Gender		✓	
Sexual orientation		✓	
Religion		✓	
Political opinion		✓	
Disability (physical and learning)		✓	
Race or ethnic origin (includes Travellers)		✓	
Age		✓	
Dependant responsibilities		✓	
Marital status		✓	

Please give reasons for your answer, including sources of data used:

When considering the impact of any changes to the system of fine default it is important to emphasise that cognisance of the offender's means and ability to pay a fine will remain one of the underlying principles as future proposals are considered.

For the level of fine, the court must take into account the financial circumstances of the offender when imposing a fine. A court can increase or reduce a fine based on an offender's means. But to do so it must have the best information possible.

The proposals in the consultation aim to ensure that any new systems and disposals created will have the capacity to differentiate between the 'can't pay' and the 'won't pay'. For those less able to pay, alternative disposals to the fine itself will continue to exist, and new systems are proposed to assist with fine payment. Support for individuals in need will be an important dimension and the consultation paper proposes a number of alternatives to dealing with default to assist those who find it difficult to clear a fine.

The proposals for alternatives to fine default are an improvement to current powers. They are for the benefit of and substantively improve the situation of offenders. All section 75 groups who fall into the offender category will see improvements in the options available.

- 3 Is there an opportunity to better promote equality of opportunity or better community relations by altering the policy or working with others in Government or in the larger community?**

<b>CATEGORY</b>	<b>YES</b>	<b>NO</b>	<b>DON'T KNOW</b>
Gender			
Sexual orientation			
Religion			
Political opinion			
Disability (physical and learning)			
Race or ethnic origin (includes Travellers)			
Age			
Dependant responsibilities			
Marital status			

**Not applicable to this policy.**

- 4 Equality Commission guidance states that the screening process should include pre-consultation with those who may be affected by the policy. Have consultations with relevant groups, organisations or individuals indicated that the policy may create problems, which are specific to them?**

The consultation paper 'Fine Default in Northern Ireland', published with this screening assessment in July 2008 will invite relevant groups, organisations or individuals to indicate any specific problems with any of the proposals suggested.

- 5. It may be that a policy has an adverse differential impact on certain people in one or more of the categories as a consequence of targeting or affirmative action to combat an existing or historical inequality. If this is the case, please give details below and contact the Equality Unit if you are in doubt:**

**Not applicable to this policy**

## PART III

### EQUALITY IMPACT ASSESSMENT RECOMMENDATION

Equality impact assessment procedures are confined to those policies considered likely to have significant implications for equality of opportunity.

**1 If screening has indicated that a policy is having an adverse differential impact, how would you categorise it?**

**The policy has no significant adverse impacts for equality of opportunity**

The proposals for alternatives to fine default are an improvement to current powers. They are for the benefit of and substantively improve the situation of offenders. All section 75 groups who fall into the offender category will see improvements in the options available.

The policy will introduce greater flexibility in terms of the setting of fines, taking into account the ability of convicted persons to pay. This will have a positive impact on those categories of people more likely to have low incomes, e.g. older people, disabled people etc (see Part 1).

Young males are more likely to be fine defaulters (see Part 1) and therefore will be more affected by the policy; however the aim of the policy – by reducing the number of fine defaulters who are imprisoned – will have a positive impact on this group as well as all others.

**2 Do you consider that this policy needs to be submitted to a full equality impact assessment?**

YES	NO
	✓

**3. What data do you believe may be required to ensure effective monitoring of the policy in the future?**

Statistics on fines, fine default and default disposals by gender and age.

## Statistics on fine default

Table 1 Numbers sentenced by all courts: 1997-2006

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Custody	2157	2043	2009	2178	1778	1888	2203	2252	2111	2204
Suspended custody	2247	1412	1410	1701	1591	1633	1898	2175	2264	2336
Community penalties	1886	2304	2018	1994	1816	1861	1908	1983	1988	2053
<b>Fine</b>	<b>21353</b>	<b>17981</b>	<b>18096</b>	<b>17756</b>	<b>16477</b>	<b>16000</b>	<b>17595</b>	<b>18628</b>	<b>17288</b>	<b>17362</b>
Other	3341	3141	2991	2989	2688	2718	3071	2887	2604	2408
Total	30914	26881	26524	26618	24350	24100	26675	27925	26255	26363
<b>Fines as % of all sentences</b>	<b>69%</b>	<b>67%</b>	<b>68%</b>	<b>67%</b>	<b>68%</b>	<b>66%</b>	<b>66%</b>	<b>67%</b>	<b>66%</b>	<b>66%</b>

Source: NIO Statistics and Research Branch 2008

Table 2: Offences for which fines were imposed in 2006

Offence	Numbers fined	Total numbers convicted
Violence against the person	827	2296
Sexual offences	14	161
Burglary	23	532
Robbery	0	149
Theft	524	1728
Fraud and forgery	102	333
Criminal damage	287	1295
Offences against the state	92	348
Drug offences	425	734
Other offences	12	59
Motoring offences	13467	15083
Summary offences	1589	3645
<b>All offences</b>	<b>17362</b>	<b>26363</b>

<sup>1</sup> Based on police prosecutions and the principal offence for which an offender is convicted. NI Court Service figures reflect the total number of fines imposed which is inevitably much higher than the number of people fined. They also include non-police prosecutions.

**Table 3: Amounts of fines imposed**

2004/5	2005/6	2006/7
£8. 592 million	£8.409 million	£8.689 million

Source: NIO Statistics and Research Branch 2008

**Table 4: Fine default receptions in 2006 by fine level**

Fine Amount Level	Fine Amount	Receptions	%
1	£0-£200	417	21.4%
2	£201-£500	860	44.1%
3	£501-£1000	494	25.3%
4	£1001-£2500	166	8.5%
5	£2501-£5000	13	0.7%
6	£5000 +	1	0.1%
Total		1951	100.0%
Average time served is 4 Days			
Average Fine amount is £486			

**Table 5: Average total prison population and average Fine Default prison population by gender 1997 to 2006**

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
<b>Male Prisoners</b>										
Fine Defaulter	29	29	31	20	21	16	19	22	24	27
<b>All males</b>	<b>1602</b>	<b>1480</b>	<b>1223</b>	<b>1045</b>	<b>894</b>	<b>1002</b>	<b>1138</b>	<b>1246</b>	<b>1269</b>	<b>1393</b>
<b>Female Prisoners</b>										
Fine Defaulter	1	1	2	2	1	1	1	2	1	2
<b>All Females</b>	<b>30</b>	<b>27</b>	<b>21</b>	<b>23</b>	<b>16</b>	<b>24</b>	<b>22</b>	<b>27</b>	<b>32</b>	<b>41</b>
<b>All prisoners</b>										
Fine Defaulter	30	30	33	22	22	17	20	24	25	29
<b>Total</b>	<b>1632</b>	<b>1507</b>	<b>1244</b>	<b>1068</b>	<b>910</b>	<b>1026</b>	<b>1160</b>	<b>1274</b>	<b>1301</b>	<b>1433</b>

Note: Components may not sum due to rounding

Source: Statistics and Research Branch, The Northern Ireland Prison Population in 2006

**Table 6: Fine Default Prison Receptions and All Prison Receptions by Gender 1997 to 2006**

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
<b>Male Prisoners</b>										
Fine Default	1789	1820	1730	1549	1313	1164	1360	1532	1705	1799
All males	5286	5339	5429	4934	4212	4640	5036	5124	5582	6048
<b>Female Prisoners</b>										
Fine Default	90	95	110	101	80	76	93	115	109	152
All females	216	226	255	252	196	225	272	331	330	424
<b>All Prisoners</b>										
Fine Default	1879 (34%)	1915 (34%)	1840 (32%)	1650 (32%)	1393 (32%)	1240 (25%)	1453 (27%)	1647 (30%)	1814 (31%)	1951 (30%)
All Receptions	<b>5502</b>	<b>5565</b>	<b>5684</b>	<b>5186</b>	<b>4416</b>	<b>4865</b>	<b>5309</b>	<b>5455</b>	<b>5912</b>	<b>6472</b>

Source: Statistics and Research Branch, The Northern Ireland Prison Population in 2006

**Table 7: Fine default receptions in 2006 by offence and gender**

Offence class	Gender		Total
	Male	Female	
Violence Against Person	123	13	136
Sexual	11	0	11
Burglary	11	0	11
Theft	93	9	102
Fraud & forgery	15	3	18
Criminal damage	129	9	138
Motoring offences	1009	62	1071
Drug offences	40	1	41
Other	368	55	423
<b>Total</b>	<b>1799</b>	<b>152</b>	<b>1951</b>

Source: NIO Statistics and Research Branch 2008

**Table 8: Fine Default Receptions in 2006 by age and gender**

Age	Gender		Total
	Male	Female	
14-16	3	0	3
17	14	0	14
18-20	355	10	365
21-29	718	41	759
30-39	393	56	449
40-49	225	38	263
50-59	76	7	83
60+	15	0	15
<b>Total</b>	<b>1799</b>	<b>152</b>	<b>1951</b>