



Department of
Justice

An Roinn Dlí agus Cirt
Máinnystrie O tha Laa

The Proposed expansion of Penalty Notices in the
Justice Act (Northern Ireland) 2011 in Northern Ireland:
Public Consultation

Analysis of the responses to the public consultation

Speeding Up Justice Programme

Access to Justice Directorate

November 2025

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Ministerial Foreword

Tackling delays in our criminal justice system is one of the biggest challenges we face. The ability of police and prosecutors to divert cases away from formal prosecution through the use of an Out of Court Disposal has been a vital tool in helping to deal effectively with low-level offending behaviour for many years.

Offering additional options for police and prosecutors to issue out of court disposals can be beneficial. This consultation aims to gather insights on how we can enhance existing out of court disposal arrangements to alleviate the significant pressure on the courts and the broader justice system.

Expanding the use of Out of Court disposals is a key element of the Northern Ireland Executive's Programme for Government commitment to speed up the justice system and ensure that our courts and justice agencies can focus on the most serious offences, which often experience significant delay.

It is important to emphasise that the proposals presented in this consultation are not solely my perspective as Justice Minister; they were collaboratively developed by key justice agencies under the leadership of the PSNI. I appreciate the effort that has gone into developing these proposals and would like to extend my gratitude to the PSNI and all those involved in this work. I also want to thank everyone who took the time to respond to the consultation. Many of the proposals received a wide range of views which I have considered very carefully. However, change is essential to ensure that the system effectively serves the public moving forward. I have endeavoured to balance these various perspectives while striving to create a modern and effective justice system that aims to reduce offending and re-offending, administer justice swiftly and fairly, support victims, and maintain public confidence.

The consultation proposals are based on a thorough analysis of current practices in the prosecution of cases at Magistrates' Courts. The working group examined the various outcomes across a broad spectrum of offences and explored how similar results could be achieved in a more proportionate manner

In magistrates' courts in Northern Ireland in 2024, just under 60% of those convicted of an offence received a sentence in which a monetary penalty is the main or only penalty issued. Significant numbers of these cases involve low-level motoring offences and other offences, and the working group has considered how those cases could be handled more proportionately.

Out of Court Disposals are not suitable in all cases. The target for these proposals are cases at the lowest end of the offending spectrum. The name of the offence is not necessarily an indicator as to how serious a case is. Individual offences can cover a wide range of offending behaviour. This is why our justice system depends on the expertise of

police, prosecutors and others to decide on matters such as the right charge in a case, whether a case is to be prosecuted at the magistrates' courts or the Crown Court (where the most serious cases are heard), or whether it is appropriate to deal with a case by way of an Out of Court Disposal. Those involved in making those decisions receive considerable training and decisions are supported by additional guidance and instruction.

Out of court disposals serve as an alternative to prosecution. While they do not necessitate a formal admission of guilt, individuals must accept responsibility for the offence and choose to accept the penalty notice. Additionally, information about issued out of court disposals is utilised to guide future decisions if an individual engages in further offending behaviour.

These proposals should not be regarded as leniency; it is about delivering justice in the right way. Victims benefit from faster resolutions and clear outcomes. Offenders are held accountable without being drawn unnecessarily into the formal justice system, reducing the risk of reoffending. Most importantly, courts and justice agencies can focus their resources where they are needed most—on serious and complex crime.

I am committed to delivering a justice system that is fair, proportionate, and sustainable, ensuring Northern Ireland remains at the forefront of modern, evidence-based criminal justice reform.

I would like to thank those who took the time to respond to the consultation. Those responses have been helpful in informing the way forward.

The document below provides a summary of the responses to the consultation and sets out my decisions on the way forward.

Naomi Long MLA

Minister of Justice

Executive Summary

Key findings from survey responses

Below provides a summary of the main quantitative findings from responses to the consultation survey.



In total, **162 responses** to the consultation were received. Of these, 140 responded to survey questions, 19 provided written responses and 3 were gathered via public engagement sessions.



Of those who answered the survey questions:

- 85% were individuals
- 15% responded on behalf of an organisation



Seven in ten respondents (73%) were in favour of providing prosecutors with new powers to issue penalty points for motoring offences, in conjunction with powers to issue a Prosecutorial fine.



Eight in ten respondents (80%) are in favour of **increasing Prosecutorial Fine amounts**.



64% are in favour of **rolling out a drugs educational course** as a suitable means of dealing with cases involving offenders who are caught with a small quantity of drugs for personal use.



82% are in favour of **increasing the Penalty Notice Offence amounts**.

Views in respect of expanding Penalty Notices to a wider range of offences were generally mixed. Respondents on behalf of **organisations** tended to be more in favour of expansion than **individual** respondents.

	Yes	No	Unsure/ Unanswered
Common Assault	52%	8%	40%
	45%	52%	3%
Assault Occasioning Actual Bodily Harm (AOABH)	32%	32%	36%
	24%	74%	2%
Assault on Police	40%	28%	32%
	18%	80%	2%
Class A Drugs	48%	16%	36%
	32%	63%	5%
Class B Drugs	48%	16%	36%
	43%	54%	2%
Class C Drugs	48%	16%	36%
	57%	36%	6%

Cross Cutting Themes – Organisational Responses

Support for Enhanced Prosecutorial Powers	<p>A significant number of respondents advocate for granting additional powers to prosecutors, particularly the ability to issue penalty points for low-level driving offences.</p>
Need for Assurance and Governance	<p>There is strong consensus on the need for clearly defined penalties and consistent enforcement to maintain public confidence in the justice system. Whilst proposals are broadly supported, respondents raised concerns about practical implementation – particularly the risk of inconsistent enforcement between police and prosecutors. These concerns highlight the importance of robust assurance and governance mechanisms to ensure uniform, transparent application of changes.</p>
Impact on Vulnerable Populations	<p>Organisations have expressed significant concerns that an increase in the use and amounts of penalty notices could disproportionately impact vulnerable populations and individuals from lower socio-economic backgrounds. These groups often face greater financial strain, making it more challenging for them to absorb additional penalties.</p>
Support for Alternative Proposals and Rehabilitation	<p>There is a notable shift towards exploring alternative measures for handling low-level offences, such as penalty notices for common assault and drug possession. Respondents argue that these alternatives could alleviate court backlogs while addressing underlying issues like addiction.</p>
Need for Review Mechanisms	<p>Respondents agree on the critical importance of establishing robust oversight and review mechanisms to evaluate the effectiveness of any changes made to penalty notice policies. Implementing structured review periods is essential for assessing the impact of these changes on both enforcement practices and community outcomes.</p>
Financial Flexibility and Support	<p>There is a strong call for flexible payment options for fines, particularly for individuals facing financial difficulties. Suggestions include online payment methods and instalment plans to improve compliance and reduce court congestion.</p>

Cross Cutting Themes – Individual Responses

Need for Stronger Deterrents and Tougher Measures	<p>A prominent theme is the demand for more effective deterrents against crime. Respondents expressed frustration with perceived leniency in the justice system, advocating for stricter enforcement and harsher penalties. This sentiment underscores a collective desire for a justice system that prioritises public safety through robust punitive measures that favour custodial sentences.</p>
Impact of Economic Factors on Penalties	<p>Respondents raised significant concerns about how proposed fines disproportionately affect low-income individuals, exacerbating their financial struggles. This perspective emphasises the need for a more equitable approach to penalties that considers the socio-economic context of offenders.</p>
Need for Consistency and Clear Criteria	<p>There is a strong call for clear criteria and consistency in how fines are applied. Respondents argue that guidelines should align with existing police practices and include mechanisms for data capture and analysis to evaluate policy effectiveness.</p>
Seriousness of Assaults on Police	<p>The responses regarding assaults on police officers reveal a consensus on the need for serious treatment of such offenses. Many advocate for mandatory custodial sentences, arguing that using fixed penalty notices trivialises the gravity of these crimes. This reflects a strong desire to ensure the safety and respect of law enforcement personnel.</p>
Recognition of Drug-Related Issues	<p>The responses concerning drug offenses highlight a nuanced understanding of the complexities involved. While there is recognition of the harm caused by Class A and B drugs, many respondents advocate for a focus on rehabilitation rather than punitive measures. This theme underscores the importance of addressing the root causes of drug-related issues while balancing public safety concerns.</p>
Support for Modern Payment Systems	<p>There is a significant push for implementing online payment options and flexible payment plans for fines. Respondents believe that these measures would alleviate financial stress and improve compliance. However, there are also concerns about accessibility, with some respondents cautioning that not everyone has internet access.</p>

Introduction

One of the priorities in the Programme for Government relates to Safer Communities. As part of this the Executive has committed to delivering a Speeding Up Justice Programme to reform the way in which criminal cases are handled. This includes exploring options for expanding the use of out of court disposals to more proportionately resolve low level offending in a timely manner outside of the formal court process, and to help reduce pressure on courts and other justice agencies.

Out of court disposals provide an alternative to prosecution which can deliver a fairer more proportionate response to minor offending, which is also quicker, and often more effective way of dealing with suitable cases and freeing the courts to focus on more serious matters.

Given the current pressures on the justice system, it is important that limited resources are targeted effectively to tackle the most serious offending and keep the community safe. A vital part of this work is to ensure cases are dealt with proportionately, at the right court tier, and where appropriate diverted away from the formal criminal justice system altogether.

The consultation invited views on expanding police powers to enable a greater range of offences regarded as low-level offending to be diverted away from the courts, through extending the use of Penalty Notices (often referred to as ‘Penalty Notices for Disorder’ or ‘PNDs’), expanding powers for the Public Prosecution Service (PPS) for Prosecutorial Fines legislation and on a number of related matters.

The key objectives of the proposals regarding expanding out of courts disposals are set out below: -

- To deliver more speedy outcomes in a wider range of low-level cases involving criminal offending; and
- To reduce number of low-level criminal cases entering the magistrates’ courts to help free up capacity at those courts, and on police, prosecutors, defence practitioners, and other key stakeholders which can be focussed on more serious cases.

Penalty Notices were introduced in 2012 to help provide speedier ways of delivering justice and improve the efficiency of the system. The cross-justice Out of Court Disposals working group has identified a number of additional offence types which often result in low level court fines and other non-custodial disposals when prosecuted at court which it believes would be suitable for bringing within the current Penalty Notice scheme. The Department also proposes some other changes to the present Penalty Notice scheme, including revalorising the existing penalties which have been in place since the legislation was originally enacted in 2011.

Dealing with low-level cases by way of a diversionary disposal, which involves diverting an alleged offender away from the formal criminal justice system, as an alternative to prosecuting those cases at court offers a number of benefits. These include:

- offering a proportionate response to low level offending where the offender has admitted the offence.
- delivering swift, simple and effective justice that serves as a deterrent.
- recording an individual's criminal conduct for possible reference in future criminal proceedings such as in criminal records or other similar checks.
- reducing the likelihood of reoffending, and
- reducing the amount of time police officers spend completing paperwork and attending court (in addition to simultaneously reducing the burden on courts themselves), allowing them to focus on dealing with more serious crime.

The proposals also explore the enhancement of arrangements for Prosecutorial Fines, specifically whether prosecutors should be provided with new powers to issue penalty points, which could be combined with powers to issue a prosecutorial fine which has previously been legislated for through the Justice Act (Northern Ireland) 2015. PSNI and certain other enforcement agencies at present have powers to issue penalty points in connection with relevant low-level motoring offences as a means of diverting cases away from prosecution through the courts.

Led by PSNI, the multi-agency Out of Court Disposals working group considered that if Prosecutorial fines could be enhanced to also provide powers to prosecutors to attach penalty points for motoring offences, in combination with a fine, these changes could provide a suitable means of increasing the number of cases which would be suitable for an out of court disposal, including more low-level motoring offences.

The proposed expansion of Penalty Notices in the Justice Act (Northern Ireland) 2011 in Northern Ireland has been underpinned by engagement, partnership and flexibility throughout its development with extensive engagement incorporating a wide range of stakeholders.

Consultation methodology

The online public consultation exercise ran for a period of 12 weeks from 7 July 2025 until 28 September 2025. A range of other documents were published by the Department of Justice on their website, including the following:

- Consultation document on proposed expansion of out of court penalty notices
- Rural needs impact assessment
- Equality screening form
- Privacy notice
- Easy Read

Emails containing information on how to respond to the consultation were issued to over 500 organisations and individuals on the Department's consultation list. Recipients were encouraged to share the links with colleagues and interested parties.

Police and Community Safety Partnerships (PCSPs) were included in the mailshot mentioned above and were also engaged more directly through a separate email sent to their organisations. Additionally, several individuals involved with PCSPs participated in the online survey and public engagement sessions.

There were three online public engagement sessions to give people the opportunity to share their views on the consultation. Attendees included representations from the public, charity organisations and PCSPs.

The Department also met with the Victim of Crime Commissioners Designate to discuss the proposals and an engagement meeting was arranged with a wider range of Victims organisations which included NSPCC, Women's Aid, Wave Trauma, VOYPIC (Voice of Young People in Care), Victim Support NI, Rainbow Project, NexusNI, Mindwise, Migrant Centre NI, Mencap, MAP NI (Men Advisory Project), We Are Hourglass and NICCY.

The DoJ Press Office posted on social media channels at various stages throughout the consultation being live.

Throughout the consultation period the Department received several Assembly questions and correspondence cases in relation to questions about the proposals in the consultation.

At a Policing Board meeting on 2nd October, the PSNI outlined the importance of continued use and expansion of out of courts disposals as part of the wider Programme of work aimed to speed up the justice system. ACC McNally highlighted PSNI involvement and support of the consultation, *“PSNI were heavily involved with partners in scoping out what the potential additional offences could be included in the PND... We already have CRNs for these, but you go from there to the court system. It really is just about increasing the options available to police to have in their toolkit as to what they can take for disposal. Not only does it increase the opportunities for police, it is victim focused, because again, the victims’ views will be taken into consideration.”*

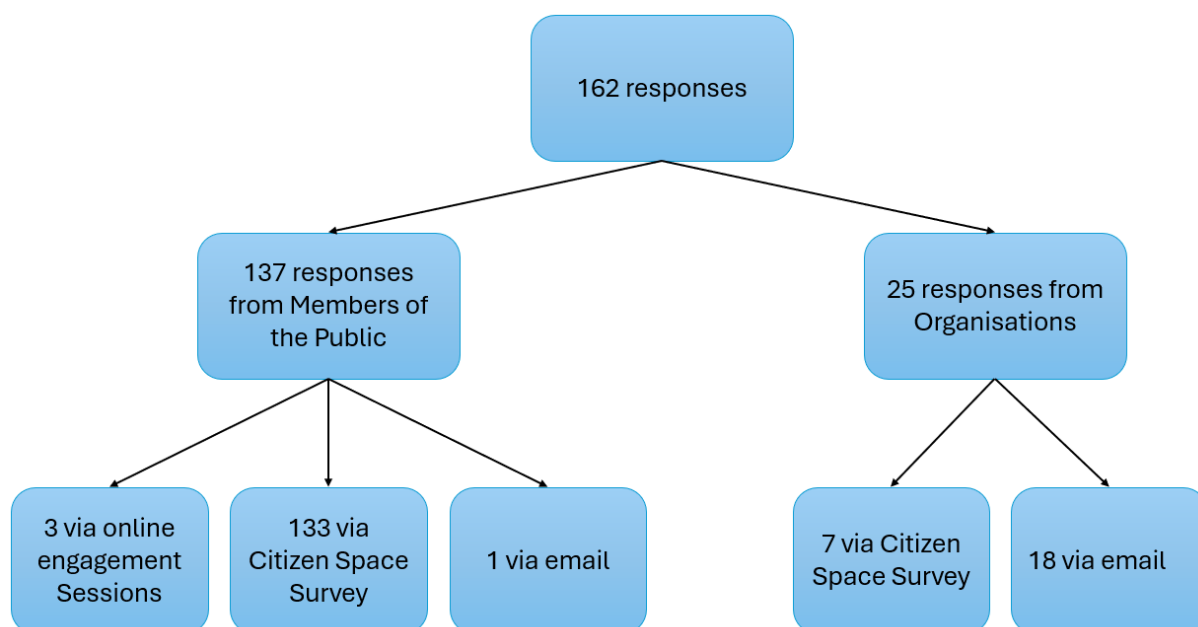
Throughout the consultation several media and social media outlets highlighted and discussed the consultation.

Overall response

Responses to the consultation were received from a range of stakeholders including individual members of the public, representative bodies of the legal professions and other organisations. The views on the proposals were mixed across all categories of respondents. Note that not all respondents answered every question.

A total of 162 responses were received. 140 were online responses received via Citizen Space online survey, 20 were written submissions via email and 3 were from the online engagement sessions. Of these responses 135 were from individual members of the public and 27 were submitted on behalf of organisations.

Figure 1: Breakdown of consultation responses



The survey contained 11 questions. Most of these were multiple choice questions, which enabled quantitative analysis. Percentages are presented for quantitative data. The results are presented as charts and infographics.

For many of these questions, respondents were invited to provide further comments – for example, to provide further detail on their initial response. In addition, the survey also contained several open-ended questions. The qualitative data collected via both these elements of the survey was analysed thematically, and a summary is provided for each relevant question, alongside the quantitative analysis. Direct quotes from respondents are used to illustrate the main points throughout.

A response was not required for all questions within the survey, therefore the number of responses for each question varies. Details of this are provided in the analysis of each individual question.

The 19 written responses and engagement session responses that did not match the format of the online survey have been analysed thematically and included in the qualitative analysis.

Significant differences in responses between the organisations and individual members of the public were observed. To provide a clearer understanding of the levels of support, the responses have been categorised by each group.

Analysis of responses to consultation survey

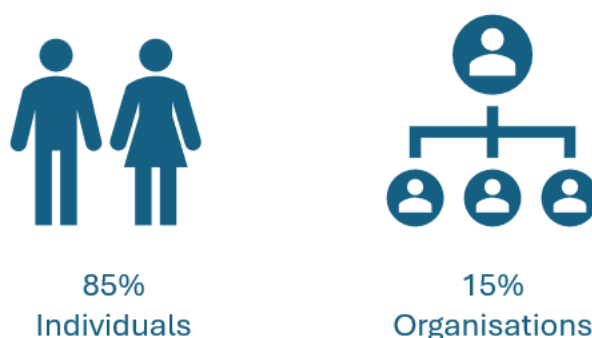
This section presents the analysis to the responses received to the consultation survey, either directly online or via a written submission in the survey format. Each question in the survey is analysed in turn, with the exact wording of the question provided in each case.

Section 1: Respondent information

Question 1: How are you responding? Please select only one item.

A total of 162 respondents answered this question. Of these, 85% (137) responded as an individual and 15% (25) responded on behalf of an organisation. The list of organisations is provided in *Appendix A*.

Figure 2: Breakdown of respondents to consultation survey by type



Section 2: Prosecutorial Fines

Prosecutorial fines provide prosecutors with the power to offer an offender over the age of 18 the opportunity to pay a fine up to a maximum of £200 as an alternative to being prosecuted at court.

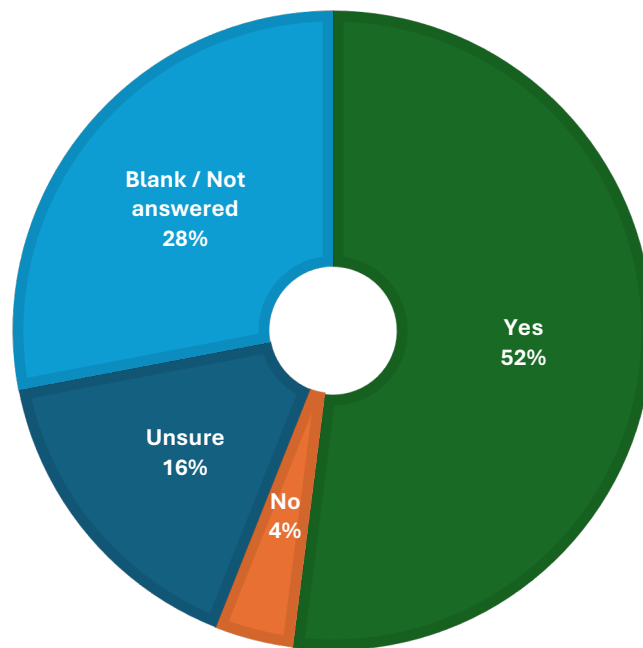
Question 2a: Do you agree that the Department should explore providing the Public Prosecution Service with additional powers for prosecutors to offer penalty points alongside a Prosecutorial fine to offenders for low-level driving offences such as speeding and driving without insurance? Please select only one item.

A total of 157 respondents answered this question. Of these, 87% (137) responded as an individual and 13% (20) responded on behalf of an organisation. *These figures exclude respondents who left the question blank or unanswered; however, this group is represented graphically below.*



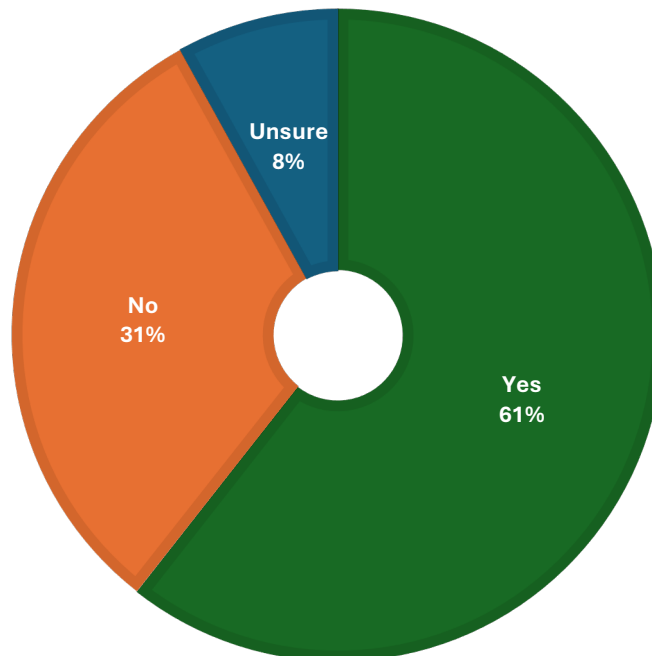
Organisational Responses

Figure 3: Organisational responses to Question 2a



Individual Responses

Figure 4: Individual responses to Question 2a



Question 2b: Please provide your rationale.

A total of 86 respondents answered this question. Of these, 80% (69) responded as an individual and 20% (17) responded on behalf of an organisation.



Organisational Responses

Support for Enhanced Prosecutorial Powers: Many respondents believe that granting additional powers to prosecutors to issue penalty points for low-level driving offences could help address the significant backlog in the courts.

"The Society notes that CJINI have reported that out of court disposals can deliver a fairer more proportionate response to minor offending as a quicker and more effective way of dealing with suitable cases thus freeing the court to focus on more serious matters."

Law Society

"This discrepancy creates inconsistency in the treatment of offenders and undermines the principle of equal justice."

Women's Aid NI

Consistency in Enforcement: Considering that police officers currently have the authority to issue penalty points in addition to fines, some respondents believe that similar powers should be granted to the PPS to ensure greater consistency in the treatment of offences.

Review Mechanism: Respondents agree on the necessity of implementing a review period (suggested at 12 or 24 months) to evaluate the effectiveness of any changes made.

"Members also agreed that a review period needs to be built into any change... to demonstrate whether or not it has been effective."

Derry & Strabane PCSP

"It's important that any system maintains public confidence, ensures consistency, and allows for appropriate appeal mechanisms."

**Lisburn & Castlereagh City Council
Community Planning & PCSP**

Public Confidence and Communication: Maintaining public confidence in the justice system is highlighted as essential. Clear communication about changes is necessary to ensure transparency and accountability.



Individual Responses

Need for Stronger Deterrents: Respondents express a desire for more effective measures to deter crime.

"We need stronger deterrents."

"Lock bad people up."

Demand for Tougher Measures: There is a strong call for stricter enforcement and punishment for offenders, rejecting perceived leniency.

Confusion Over Proposals: Some responses indicate dissatisfaction with the clarity of the proposals, questioning their practicality. There may have been some misunderstanding regarding prosecutorial fines, as they are intended to offer an offender the opportunity to discharge their liability for an offence to avoid court proceedings. Where the offer is not accepted it is for the Public Prosecution Service to consider the case and decide whether to initiate a prosecution.

"This is badly phrased, 'to offer penalty points alongside a Prosecutorial fine.' Why would anyone choose points and a fine? I suspect you mean of setting the fine with points."

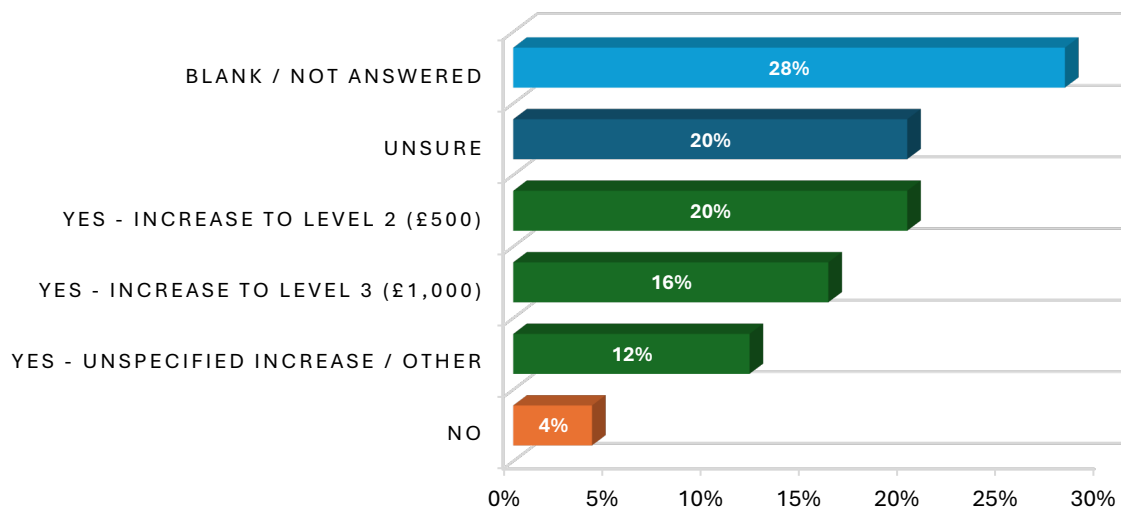
Question 3a: Do you agree that the maximum amount of a Prosecutorial fine, as provided for in Part 3 of the Justice Act (NI) 2015, should be increased from its current level which is equivalent to a level 1 fine on the standard fine scale (£200)? If so, what do you consider the amount should be increased to? Please select only one item.

A total of 156 respondents answered this question. Of these, 88% (137) responded as an individual and 12% (19) responded on behalf of an organisation. *These figures exclude respondents who left the question blank or unanswered; however, this group is represented graphically below.*



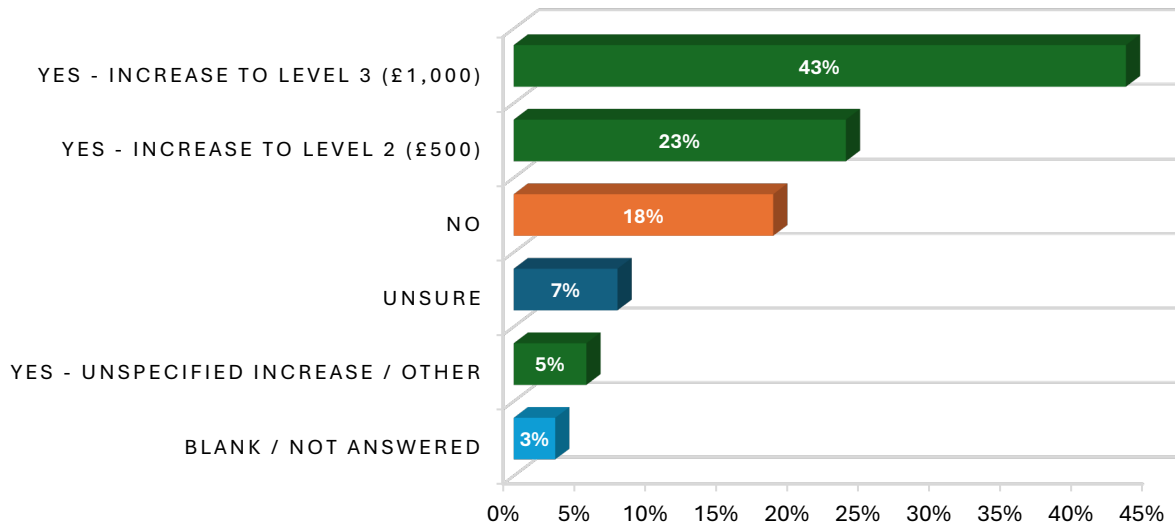
Organisational Responses

Figure 5: Organisational responses to Question 3a



Individual Responses

Figure 6: Individual responses to Question 3a



Question 3b: Please provide your rationale.

A total of 66 respondents answered this question. Of these, 75% (50) responded as an individual and 15% (16) responded on behalf of an organisation. *These figures exclude respondents who left the question blank or unanswered; however, this group is represented graphically below.*



Organisational Responses

Support for Increased Penalties: Some respondents argue that raising the maximum fine is appropriate as it aligns with the need for more stringent measures against offenders, particularly in cases that warrant a stronger deterrent.

“Considering that over 99% of cases where a monetary fine was handed down as the main disposal in the magistrates’ court had a penalty of £500 or less, we would support an increase to level two.”

Sinn Fein

“Increasing the maximum prosecutorial fine may be appropriate for adult offenders; however, when applied to children and young people, it can have negative impact in terms of their mental health as an additional stressor within a wider household...”

Southern Health and Social Care Trust

Impact on Vulnerable Populations: A major concern raised is the potential negative impact of increased fines on children and young people. Respondents highlight that such financial penalties can add stress to households already facing socio-

economic challenges, potentially exacerbating mental health issues. It is worth noting that some respondents may have misunderstood the application of prosecutorial fines, which only apply to over 18s as per the Justice Act 2015 section 17.



Individual Responses

Need for Higher Fines: Many respondents argue that current fines are too low to serve as effective deterrents. They advocate for a minimum fine of £500, suggesting that higher penalties would encourage compliance and reduce reoffending.

"All fines and prison sentences are too low... £500 is a significant large penalty to make drivers think twice."

"The figure should be enough to make it a deterrent... It should follow inflation."

Impact of Inflation: Respondents note that fines should be adjusted for inflation to maintain their deterrent effect. They argue that without regular updates, fines lose their relevance and effectiveness.

Administrative Efficiency: There is a call for a more efficient system that allows for quicker processing of fines and penalties. Some suggest that empowering police to issue fines for minor offenses could free up court resources for more serious cases.

"If they have more powers and can give out level 2 fines this would free up court time for more serious offences."

"Clear criteria on sliding scales and criteria how what and how to apply fines needs to be provided, this needs to be consistent with police practice and data capture, and analysis of how this policy is working needs to be implemented from the outset."

Need for Clear Criteria and Consistency: There is a call for clear guidelines on how fines should be applied, emphasizing the necessity for consistency with existing police practices. Respondents highlight the importance of data capture and analysis to evaluate the effectiveness of the policy from the outset.

Impact of Inflation and Cost of Living: Respondents express concern that the proposed fines disproportionately affect low-income individuals. They argue that the financial burden of fines will not deter crime but rather exacerbate the struggles of those already facing economic hardship.

"Inflation, the increasing costs of living and the fact that the only people that these fines will affect are the poor people that made a mistake."

"Fines are low and when they have disposable income this can be seen as a consequence of bad action rather than prevention on the most part."

Perception of Fines as Ineffective: Some respondents believe that the fines are too low to serve as a deterrent. They argue that for individuals with disposable income, fines may be viewed as a mere consequence of their actions rather than a preventive measure.

Section 3: Penalty Notices

Penalty Notices are a fixed monetary penalty designed to allow police to dispose of certain prescribed offences, without a direction from the PPS, aimed at giving first-time or non-habitual offenders the opportunity to discharge liability for that offence by paying a penalty notice within 28 days. The offences presently proscribed in the 2011 Act include low-level, anti-social and nuisance offending for offenders aged 18 or over.

The Department is proposing to add several VAP offences to the list of offences which can be dealt with by way of a Penalty Notice. After motoring, VAP offences are the second largest offence category in terms of volume of cases disposed at magistrates' courts and accounted for 18.1% (5,337) of cases disposed in 2023.

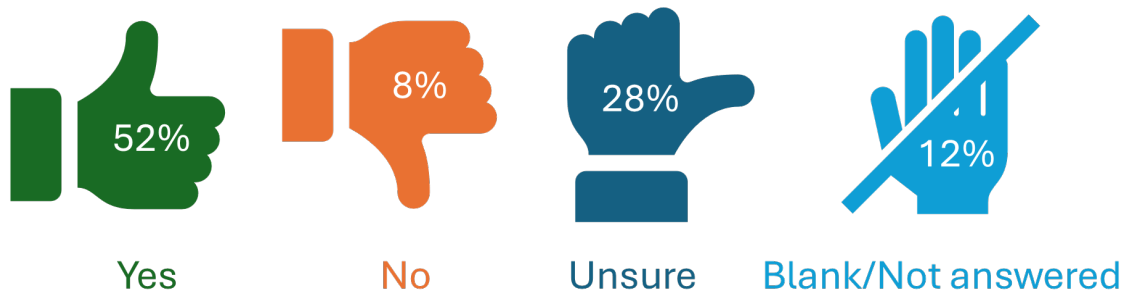
Question 4a: Do you agree that PSNI should have the power to issue a Penalty Notice under the Justice Act (NI) 2011 to the offences listed below where PSNI consider it to be an appropriate disposal in accordance with available guidance? Please select only one item.

- **Common Assault contrary to section 42 of the Offences against the Person Act 1861. Please select only one item.**

A total of 158 respondents answered this question. Of these, 86% (136) responded as an individual and 14% (22) responded on behalf of an organisation. *These figures exclude respondents who left the question blank or unanswered; however, this group is represented graphically below.*

Organisational Responses

Figure 7: Organisational responses to Question 4a



Efficiency in Handling Low-Level Offences:

There is support for using penalty notices for common assault, particularly in cases where the offence is isolated, non-aggravated, and the offender has no prior history. This approach is seen as a way to reduce court backlogs and allow law enforcement to focus on more serious offences.

“In cases where the incident is isolated, non-aggravated, and the offender has no prior history, a Penalty Notice may be a proportionate and efficient response.”

Women’s Aid NI

“Common assault is reasonably low level as to not warrant time in the courts.”

Ulster Unionist Party

Alignment with Existing Guidelines: Some respondents argue that common assault, being a low-level offence, does not warrant extensive judicial time, and penalty notices could be appropriate for first-time, or non-habitual offenders.

Need for Safeguards and Monitoring:

There are calls for robust guidance and monitoring to ensure that penalty notices are issued appropriately, particularly considering the context of the offence and the characteristics of the victim. This is crucial to prevent potential misuse and to protect vulnerable individuals.

“Close monitoring of the impact across policing districts will therefore be required by the Policing Board and others to evaluate how well they deliver for victims as well as improving system effectiveness.”

Commission for Victims of Crime Office

“If the punishment is reduced to a penalty notice, then it may act as an additional barrier to victims reporting these incidents as they would fear that the harm they experienced would not be taken seriously by the police. It would also send the message to the perpetrator that it is as a lesser offence which would in turn reduce public confidence in the criminal justice system.”

Victim Support NI

Concerns About Trivialising Serious Offences:

Some respondents were concerned that allowing penalty notices for common assault risks trivialising the offence, especially in cases involving domestic abuse or hate crimes. They emphasise that such offences should not be treated lightly, as this could undermine public confidence in the justice system.



Individual Responses

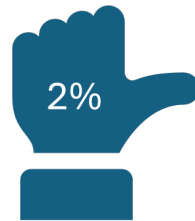
Figure 8: Individual responses to Question 4a



Yes



No



Unsure



Blank/Not answered

Support for Police Powers: There is a call for the PSNI to be granted necessary powers to effectively manage common assault cases. Respondents emphasise the importance of accountability to prevent abuse of power.

"The PSNI should be given the necessary powers to carry out their job as long as abuse of power doesn't take hold in the system."

"If this is a first-time offence or low-level offence, yes I agree... however, if there are multiple, then I think the matter should be brought before the courts."

Concerns About Over-Penalisation: Some respondents caution against overly harsh penalties for common assault, suggesting that a balanced approach is necessary. They argue that not all assaults warrant severe punishment, especially first-time or low-level offences.

Administrative Efficiency: There are concerns that the current system is hindered by inefficiencies, with many cases being adjourned or delayed. Some respondents suggest that minor assaults could be processed out of court to improve efficiency.

"Suggest some, not all, low-level common assaults may be best processed out of court to improve court efficiency."

"Assault is a serious offence which has a deep impact on a victim and their families."

Recognition of Seriousness: Many respondents assert that common assault, while often viewed as a minor offence, should not be trivialised. They emphasise that any form of assault can have significant consequences for victims and can lead to long-term emotional and psychological impacts.

Need for Appropriate Penalties: There is a strong call for harsher penalties for common assault to serve as a deterrent. Respondents argue that current penalties are insufficient and do not reflect the seriousness of the crime, advocating for judicial oversight rather than fixed penalty notices.

"To hand out a fine sounds outrageous... Assault is serious at any level. The seriousness should not be diluted."

“Any assault should mean that they will go to court and be sentenced to time in jail as a deterrent.”

Court Involvement: Many believe that common assault cases should be adjudicated in court, ensuring that victims have a voice and that justice is served. This perspective underscores the importance of maintaining public confidence in the legal system.

Question 4b: Do you agree that PSNI should have the power to issue a Penalty Notice under the Justice Act (NI) 2011 to the offences listed below where PSNI consider it to be an appropriate disposal in accordance with available guidance? Please select only one item.

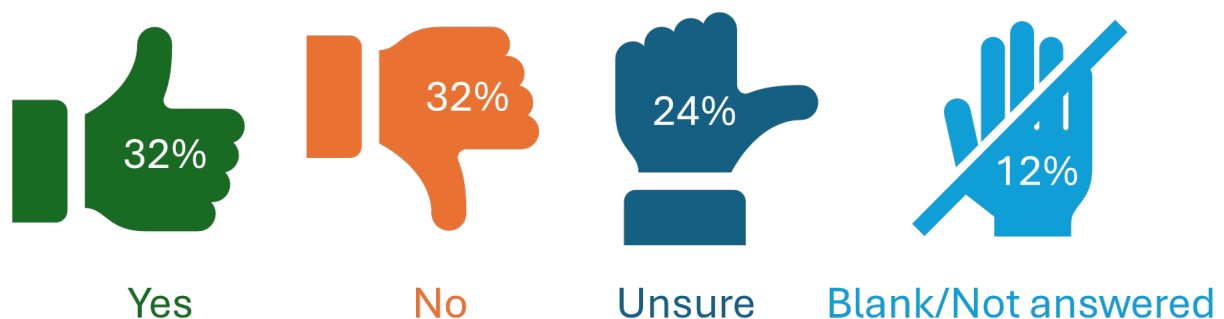
- **Assault Occasioning Actual Bodily Harm (AOABH) contrary to section 47 of the Offences against the Person 1861.**

A total of 158 respondents answered this question. Of these, 86% (136) responded as an individual and 14% (22) responded on behalf of an organisation. *These figures exclude respondents who left the question blank or unanswered; however, this group is represented graphically below.*



Organisational Responses

Figure 9: Organisational responses to Question 4b



“We envisage that the number of offences of AOABH dealt with by way of PN will be relatively small, focusing on those cases involving first-time or non-habitual offenders and very minor injuries...”

PPS

Support for Alternative Disposals: Some respondents acknowledge that there may be circumstances under which AOABH could be addressed through alternative measures, such as penalty notices, particularly for first-time or non-habitual offenders. This approach is seen as a way to alleviate court backlogs while still addressing the offence.

"AOABH actually involves bodily harm even if it minor... we risk downplaying the seriousness of the offence."

Fermanagh & Omagh DC PCSP

"AOABH involves actual physical injury... These are not minor offences and warrant judicial scrutiny."

Womens Aid NI

Concerns About Trivialising Serious Offences:

Concerns were raised that allowing penalty notices for AOABH risks trivialising the seriousness of the offence, which can involve injury amounting to actual bodily harm. They emphasise that such cases require judicial scrutiny to ensure appropriate consequences.

"Issuing a Penalty Notice for AOABH could risk being interpreted as minimising their seriousness, which could have an especially damaging impact on victim confidence."

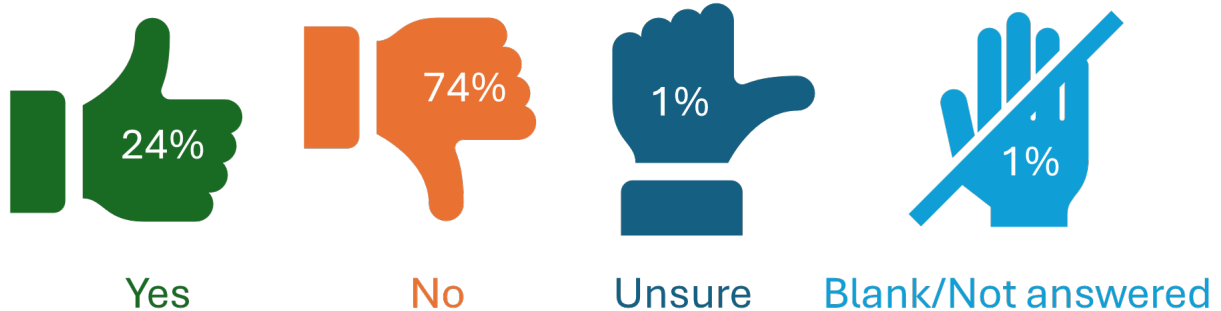
**Lisburn & Castlereagh City Council
Community Planning & PCSP**

Impact on Victim Confidence: There are concerns that treating AOABH with leniency could undermine public confidence in the justice system, particularly among victims. The fear is that it may send a message that such violence is not taken seriously.



Individual Responses

Figure 10: Individual responses to Question 4b



Concerns About Overreach: Some respondents express concerns that increasing penalties for AOABH could lead to overreach in law enforcement, potentially criminalising minor incidents that do not warrant severe punishment.

"We must be careful not to criminalise every minor altercation; not all incidents of AOABH are equal."

"Increasing penalties alone won't solve the problem; we need to tackle the underlying issues that lead to violence."

Effectiveness of Current Measures: There are doubts about whether harsher penalties would effectively deter AOABH, with some arguing that the root causes of violence need to be addressed rather than simply increasing punishments.

Support for Victims: There is a strong emphasis on the need to support victims of AOABH, with calls for better resources and services to help them recover from their experiences.

"Victims of AOABH deserve more support and resources to help them heal and move forward."

"The penalties for AOABH should be increased to reflect the serious nature of the crime."

Call for Stricter Penalties: Many respondents advocate for harsher penalties for AOABH, arguing that current consequences do not adequately reflect the severity of the offence. They believe that stronger deterrents are necessary to prevent such violence.

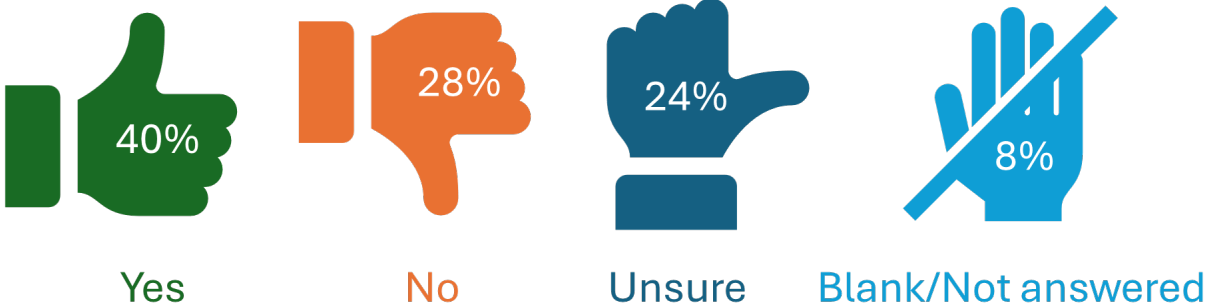
Question 4c: Do you agree that PSNI should have the power to issue a Penalty Notice under the Justice Act (NI) 2011 to the offences listed below where PSNI consider it to be an appropriate disposal in accordance with available guidance? Please select only one item.

- **Assault on Police contrary to section 66 of the Police (NI) Act 1998.**

A total of 159 respondents answered this question. Of these, 86% (136) responded as an individual and 14% (23) responded on behalf of an organisation. *These figures exclude respondents who left the question blank or unanswered; however, this group is represented graphically below.*

 **Organisational Responses**

Figure 11: Organisational responses to Question 4c



Enhance Officer Discretion: The PSNI strongly supports the addition of assault on police, as an offence to the penalty notice list, as this represents a logical progression from existing Community Resolution Notices (CRN). By elevating these offenses to Penalty Notices, officers would gain the discretion to resolve certain cases more efficiently through the issuance of a penalty notice fine, thereby streamlining the investigative process. This approach would be accompanied by the development of clear guidance to assist officers in making informed decisions.

“Some of these offences are already on the CRN list, lifting them to PND is a logical next step, and allows for officer discretion in appropriate cases to dispose of the investigation by way of PND fine. Guidance would be developed to assist officers. Clearly offences in the higher end of each offence could still be prosecuted. This is about maximising officer decision making within an agreed framework. PSNI would also be victim led in this approach.”

PSNI

“In [certain] situations, we do consider that a Penalty Notice may be appropriate but in other situations where someone deliberately sets out to harm a police officer it will be appropriate for the matter to be referred to court.”

Probation Board for NI

Support for Alternative Measures: Some advocates suggest that in specific circumstances, particularly where no injury is sustained, a penalty notice could be an appropriate response. This could help alleviate the burden on the courts while still providing an appropriate criminal justice response to the offence.

Recognition of Seriousness: Many respondents emphasise that assaults on police officers must be treated with the utmost seriousness, as they represent direct attacks on public order and the rule of law. This perspective supports the idea that such offences should not be dealt with lightly.

“Assaulting a police officer is a direct attack on the rule of law and public order. It is essential that such offences are treated with the seriousness they deserve.”

Women’s Aid NI

"The Board would consider that any assault on police, or indeed any other emergency service workers, where an injury is sustained must be brought before the courts and is absolutely neither suitable for a Community Resolution Notice or a Penalty Notice."

NI Policing Board

Concerns About Trivialisation:

Concerns were raised that allowing penalty notices for assaults on police could trivialise the seriousness of these offences. They warn that such a move might send the wrong message about the consequences of attacking law enforcement officers.

Need for Strong Deterrents: There is a strong call for maintaining robust deterrents against violence towards police officers. Many believe that assaults on officers should always be prosecuted in court to ensure that the seriousness of the offence is recognised and to protect police resources.

"There must continue to be a strong deterrent for violent offending of this nature... Offenders need to know that this kind of behaviour will not be tolerated."

DUP



Individual Responses

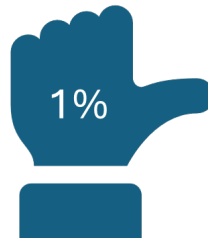
Figure 12: Individual responses to Question 4c



Yes



No



Unsure



Blank/Not answered

"Assault on police should carry a mandatory custodial sentence with a minimum of 1 year with no possibility of that sentence being reduced."

Seriousness of Assault on Police: Many respondents argue that assaults on police officers should be treated as serious offences deserving of significant penalties. They emphasise that using penalty notices trivialises the gravity of these crimes.

Need for Protection of Officers: There is a clear call for enhanced protections for police officers, reflecting the belief that they face unique dangers while performing their duties. Respondents assert that society must safeguard those who maintain law and order.

"Minimising an assault on Police is an insult to the men and women who put themselves in harm's way."

"If this was the case, criminals might think twice before assaulting officers."

Deterrent Effect of Stricter Penalties: Many believe that harsher penalties would deter potential offenders from assaulting police officers, thereby enhancing officer safety and respect for law enforcement.

Concerns About Overreach: Some respondents express concerns that the charge of assault on police has been misused in the past, suggesting that the level of force and injuries should dictate the severity of the response.

"I feel that the charge, assault on police has been abused in the past. The level of force used, and injuries suffered should dictate how, and where the specific case should be dealt with."

"AOABH and Assault on Police should be decided by a Judge for Imprisonment."

Need for Judicial Discretion: There are calls for cases of assault on police to be decided by a judge, rather than through fixed penalties, to ensure that the context and severity of each incident are appropriately considered.

Potential for Increased Violence: Some respondents warn that treating assaults on police too lightly could lead to an increase in such incidents, undermining the safety of officers and the public.

"Using a Penalty Notice minimises the impact on victims and will also lead to an increase in violence in the community."

Section 4: Drug Offences

Penalty Notices are a fixed monetary penalty designed to allow police to dispose of certain prescribed offences, without a direction from the PPS, aimed at giving first-time or non-habitual offenders the opportunity to discharge liability for that offence by paying a penalty notice within 28 days. The offences presently proscribed in the 2011 Act include low-level, anti-social and nuisance offending for offenders aged 18 or over.

The Department is proposing to add several Drug offences to the list of offences which can be dealt with by way of a Penalty Notice. Over the last decade there has been a significant increase (56%) in the number of drugs offences prosecuted at magistrates' courts. In 2014 magistrates' court disposed of 1,609 drugs cases, compared to 2,513 cases in 2023. The conviction rate for drugs offences in 2023 was over 90% (93.5%), and just over half (52%) of convictions result in a monetary penalty only.

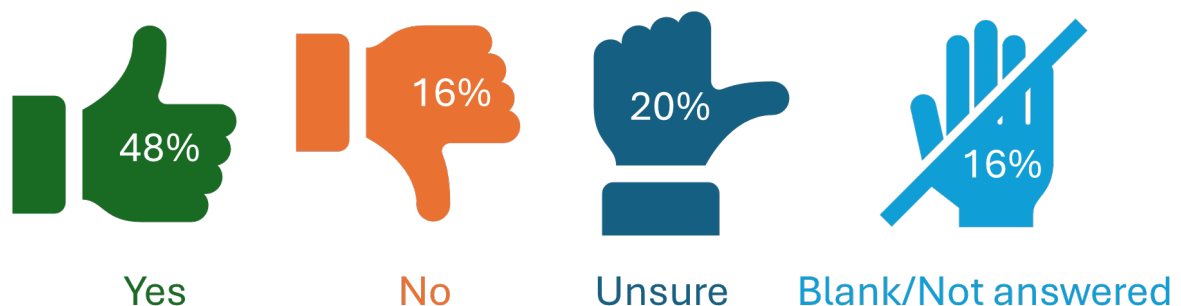
Q5a: Do you agree that, where PSNI consider a case suitable, police officers should have the power to issue a Penalty Notice under the Justice Act (NI) 2011 for the offences proscribed in section 5(2) of the Misuse of Drugs Act 1971 listed below? Please select only one item.

- **Possession of a Class A controlled drug**

A total of 156 respondents answered this question. Of these, 87% (135) responded as an individual and 13% (21) responded on behalf of an organisation. *These figures exclude respondents who left the question blank or unanswered; however, this group is represented graphically below.*

 **Organisational Responses**

Figure 13: Organisational responses to Question 5a



Support for Alternative Disposals: There is support for using penalty notices for low-level drug offences, particularly possession for personal use. This approach is seen as a way to reduce court backlogs and allow law enforcement to focus on more serious offences.

“The PPS supports the department’s stated position that a PN would be an appropriate disposal for low-level drugs cases involving possession of Class A, B, or C.”

PPS

“PBNI agrees that where considered suitable... a penalty notice could be considered in all of these offences.”

Probation Board for NI

“Extern regards addiction as a health issue where education, support and targeted specialist programmes of care are the more appropriate responses.”

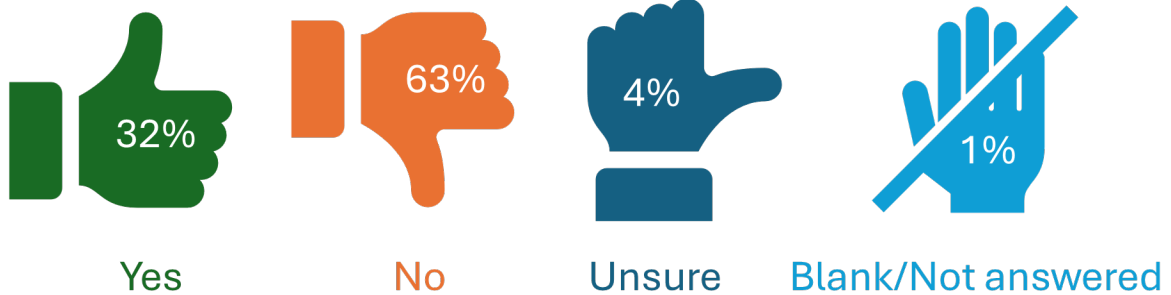
Extern Organisation

Recognition of Addiction as a Health Issue: Many respondents emphasise that addiction should be treated as a health issue rather than purely a criminal one. They advocate for education, support, and targeted programs to address the root causes of drug use, particularly for individuals with serious addictions.



Individual Responses

Figure 14: Individual responses to Question 5a



“Class A drugs can do real harm; possession for sale or use can damage lives.”

Recognition of Harm: Many respondents acknowledge the serious harm that Class A drugs can cause to individuals and society. There is a consensus that addressing these offences is crucial for public health and safety.

Need for Focused Legal Action: Some argue that the legal system should prioritise serious offences related to Class A drugs over minor drug-related offences. This perspective emphasises the importance of not overwhelming the courts with less severe cases.

“Can’t have courts blocked with minor offences; we need to focus on the serious issues.”

“Harsh penalties may not solve the problem; we need to consider rehabilitation options.”

Concerns About Over-Penalisation: There are concerns that harsh penalties for Class A drug offences may not effectively deter drug use or trafficking. Some respondents suggest that a more nuanced approach is needed, focusing on rehabilitation rather than punishment.

Impact on Communities: Respondents express worries about the broader impact of strict drug laws on communities, particularly regarding the potential for increased criminalisation of individuals struggling with addiction.

"We risk criminalising those who need help, not punishment."

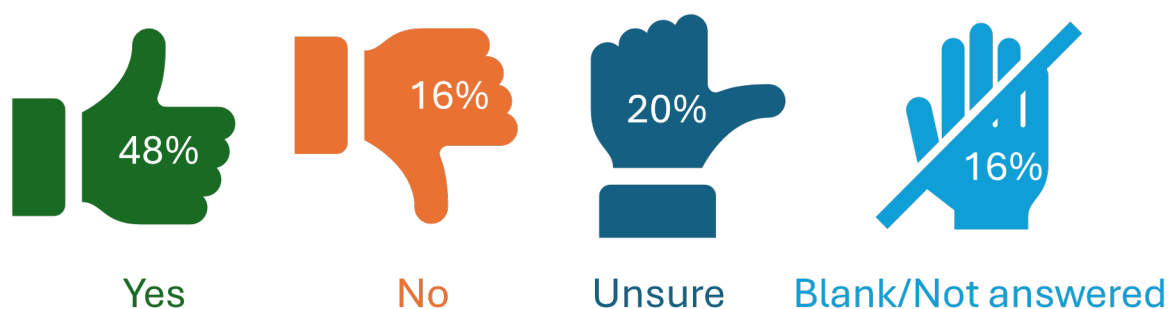
Q5b: Do you agree that, where PSNI consider a case suitable, police officers should have the power to issue a Penalty Notice under the Justice Act (NI) 2011 for the offences proscribed in section 5(2) of the Misuse of Drugs Act 1971 listed below? Please select only one item.

- Possession of a Class B controlled drug**

A total of 156 respondents answered this question. Of these, 87% (135) responded as an individual and 13% (21) responded on behalf of an organisation. *These figures exclude respondents who left the question blank or unanswered; however, this group is represented graphically below.*

 **Organisational Responses**

Figure 15: Organisational responses to Question 5b



General Support: There was support shown for the addition of possession of Class B drugs to the list of penalty notices available, which is seen as a proactive step towards addressing drug-related offences more effectively. As indicated, establishing suitable criteria in collaboration with the PSNI is essential to ensure that this disposal method is applied appropriately.

"Yes. A suitable criteria must be agreed with PSNI regarding the suitability of this disposal method."
The Police Federation for Northern Ireland

"We broadly agree that this should be left to the discretion of the police officer. However, we believe that there needs to a monitoring mechanism introduced to track any escalations in the gravity of drug offences."

Victim Support NI

Need for Clear Guidelines: Respondents highlight the importance of having clear guidelines for police officers regarding the quantities of drugs that may be deemed suitable for penalty notices. This clarity is essential to ensure consistent application of the law.

Potential for Misuse of "Personal Use" Defence:

There are concerns that individuals may exploit the "personal use" defence to avoid prosecution while engaging in distribution. This could undermine efforts to combat drug trafficking and distribution in communities.

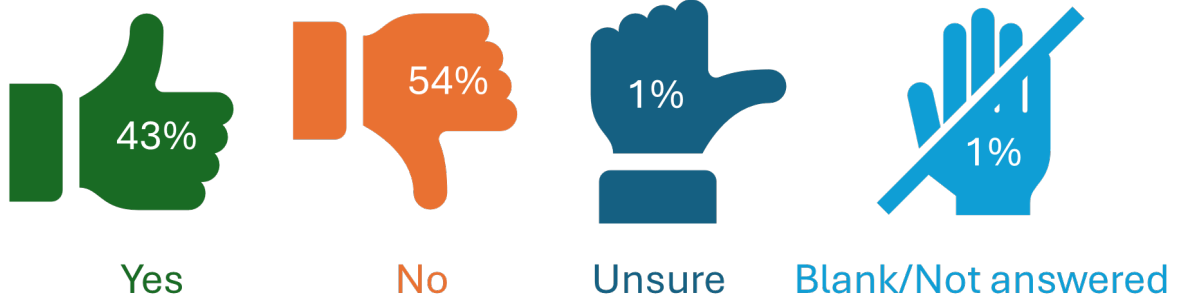
"Given the proliferation of drugs at this time, people use the excuse of 'personal use', even when they're involved in the supply of drugs."

Derry & Strabane PCSP



Individual Responses

Figure 16: Individual responses to Question 5b



"We need to prioritise tackling the trafficking of Class B drugs over penalising casual users."

Support for Targeted Enforcement: Some argue that law enforcement should focus on serious offences related to Class B drugs, particularly those involving trafficking or distribution, rather than minor possession cases.

Debate Over Legalisation: Some respondents advocate for a reevaluation of the legal status of Class B drugs, suggesting that decriminalisation or legalisation could reduce harm and allow for better regulation.

"Legalising and regulating Class B drugs could help manage their use and reduce the associated harm."

"We risk pushing vulnerable individuals further into the criminal justice system instead of providing them with the help they need."

Concerns About Criminalisation: There are worries that strict penalties for Class B drug offences may disproportionately affect individuals struggling with addiction, leading to unnecessary criminalisation rather than support.

Recognition of Harm: Many respondents acknowledge that Class B drugs can still pose significant risks to individuals and communities, emphasising the need for legal measures to address their use and distribution.

"Class B drugs can lead to serious health issues and should not be taken lightly."

Q5c: Do you agree that, where PSNI consider a case suitable, police officers should have the power to issue a Penalty Notice under the Justice Act (NI) 2011 for the offences proscribed in section 5(2) of the Misuse of Drugs Act 1971 listed below? Please select only one item.

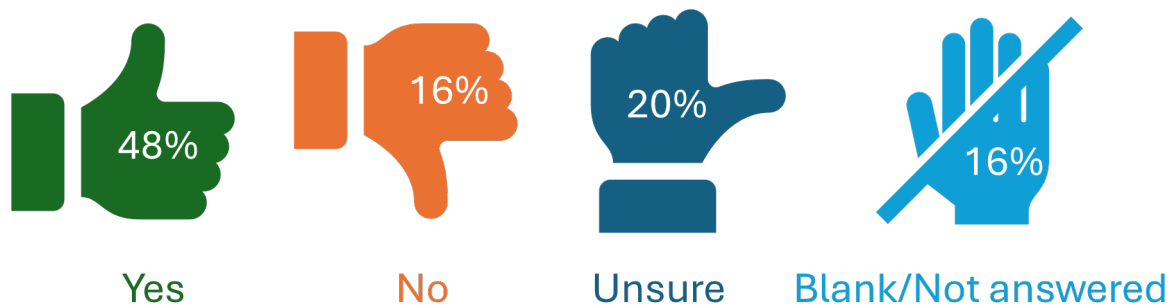
- **Possession of a Class C controlled drug**

A total of 156 respondents answered this question. Of these, 87% (135) responded as an individual and 13% (21) responded on behalf of an organisation. *These figures exclude respondents who left the question blank or unanswered; however, this group is represented graphically below.*



Organisational Responses

Figure 17: Organisational responses to Question 5c



“By including these offences within the scope of the PN scheme, it will provide PSNI with the ability to deal with lower-level offending in a more proportionate way.”

PPS

Efficiency in the Justice System: The inclusion of minor drug offences, such as possession of Class C drugs, within the penalty notice scheme is seen to reduce court backlogs. This would allow law enforcement and judicial resources to focus on more serious offences, thereby improving overall efficiency in the justice system.

Proportionality and Flexibility: There is a recognition that penalty notices can serve as a proportionate response to low-level drug offences. This flexibility allows for financial penalties to be issued without the need for court proceedings, which can be beneficial for first-time offenders or those with minor infractions.

“We recognise that recourse to issuing a penalty notice can present a proportionate approach to low-level offending, potentially reducing pressures on the Magistrates Court”

DUP

“A focus on healthcare and recovery as opposed to a punitive response to the offence is more likely to have a positive outcome.”

Southern Health and Social Care

Potential for Positive Outcomes: Some advocates suggest that focusing on healthcare and recovery rather than punitive measures could lead to better long-term outcomes for individuals caught in the cycle of drug use.

Impact on Vulnerable Populations: Respondents caution that the expansion of penalty notices could disproportionately affect vulnerable populations, allowing affluent individuals to evade the consequences of drug offences more easily than those from less privileged backgrounds.

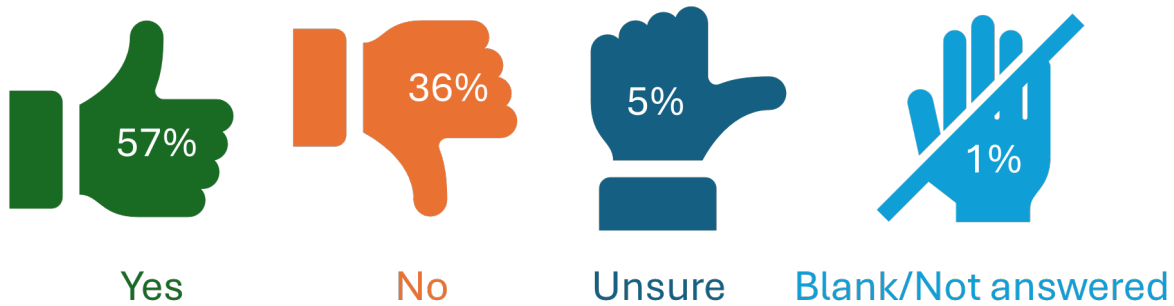
“Career-minded ‘affluent’ people would not want to be sent to court for drugs offences... a penalty notice would be an easy out option for them.”

Derry & Strabane PCSP



Individual Responses

Figure 18: Individual responses to Question 5c



"Class C drugs pose less risk to health and society, so the legal response should reflect that."

Recognition of Lower Risk: Many respondents acknowledge that Class C drugs are generally perceived as less harmful compared to Class A and B drugs. This perspective supports the idea that penalties for Class C offences should be less severe.

Focus on Education and Prevention: There is a call for a greater emphasis on education and prevention rather than punitive measures for Class C drug offences. Respondents argue that informing the public about the risks associated with these drugs can be more effective than strict enforcement.

"We should focus on educating people about the dangers of Class C drugs instead of just punishing users."

"If we go easy on Class C drugs, it might send the wrong message that drug use is acceptable."

Concerns About Normalisation: Some respondents worry that treating Class C drug offences too leniently could lead to the normalisation of drug use, potentially increasing the prevalence of drug-related issues in society.

Need for Consistent Legal Framework: There are calls for a consistent approach to drug offences across all classes, arguing that a clear legal framework is necessary to effectively manage drug-related issues.

"We need a coherent strategy that addresses all drug offences uniformly, rather than treating Class C drugs as an afterthought."

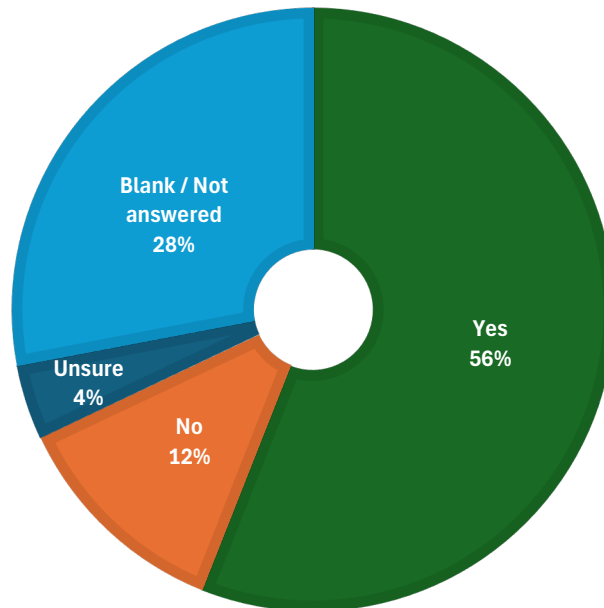
Q6a: Do you agree that a wider rollout of drugs educational courses, subject to available funding, would provide a suitable means of dealing with cases involving offenders who are caught with a small quantity of drugs for personal use? Please select only one item.

A total of 156 respondents answered this question. Of these, 88% (137) responded as an individual and 12% (19) responded on behalf of an organisation. *These figures exclude respondents who left the question blank or unanswered; however, this group is represented graphically below.*



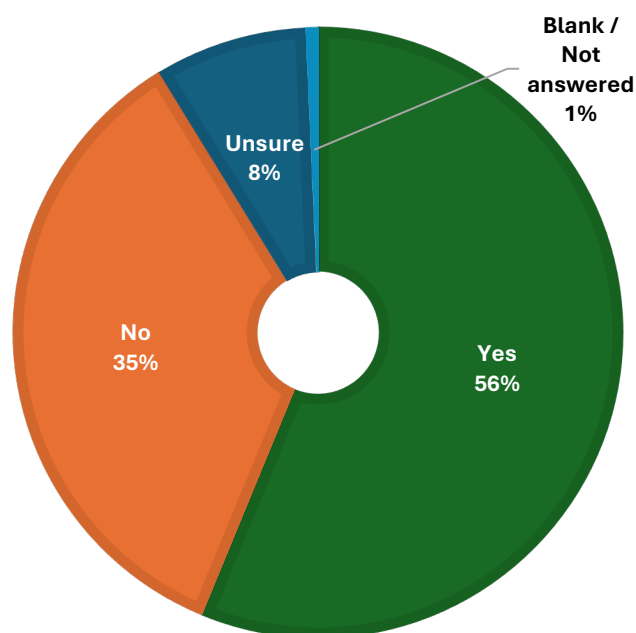
Organisational Responses

Figure 19: Organisational responses to Question 6a



Individual Responses

Figure 20: Individual responses to Question 6a



Question 6b: Please provide your rationale.

A total of 84 respondents answered this question. Of these, 80% (67) responded as an individual and 20% (17) responded on behalf of an organisation.



Organisational Responses

"Evidence based education courses for drugs related offending would be beneficial and we would be strongly supportive of this."

Chief Inspector of Criminal Justice

"Programmes often use cognitive-behavioural techniques. There is good international evidence that these are most effective in reducing reoffending."

PPS

Effectiveness of Educational Programmes:

There is strong support for drug education courses, which are designed to change attitudes and behaviours that lead to reoffending. Often these programs utilise cognitive-behavioural techniques and have shown good international evidence of effectiveness in reducing recidivism.

"If the finances are not solely available through the Justice Department... shared funding between the Justice Department, Department for Communities and Department of Health could adequately meet the needs of this method of disposal."

Southern Health and Social Care

Shared Responsibility for Recovery: The responses highlight the societal responsibility to engage with vulnerable individuals and support their recovery. There is a call for collaborative funding and resources from various government departments to address the needs of those involved in low-level drug offences.

Alternative Intervention: Some respondents suggest that alternative options for intervention should be explored. Approaches such as investment in support services and rehabilitation centres may offer more effective pathways for individuals in need. Additionally, integrating medical treatment and rehabilitation programs could address the underlying issues of addiction more comprehensively, fostering a greater chance of recovery and long-term behavioural change.

"While this is a noble endeavour, it may not necessarily be an adequate deterrent in many cases, particularly for drug addicts. According to DrugWise, the impact of drug education on drug using behaviour has been shown to be limited..."

“The amount of money would be wasted as they continually reoffend, put the money into catching and prosecuting offenders.”

Community Union

Not considered as valuable spending: Some respondents argued against the investment in drug education courses, particularly given the risk that many individuals may reoffend despite participation in these programs. As noted, funds allocated to these educational initiatives could be viewed as wasted if they do not lead to meaningful behavioural change.



Individual Responses

Potential for Effectiveness: Many respondents believe that well-designed educational programs can be effective in addressing drug-related issues, particularly for low-level offences. They argue that education can provide individuals with critical information about the dangers of drug use.

“Education, done right and hard hitting, might just be effective in the odd case.”

“This is how all low-level drug offences should be dealt with, subject to funding.”

Alternative to Punishment: There is support for using educational courses as an alternative to punitive measures for low-level drug offences. Respondents suggest that this approach could lead to better outcomes for individuals and society.

Scepticism About Impact: Some respondents express doubts about the overall effectiveness of educational courses, suggesting that they may not significantly change behaviour, especially among habitual users.

“Education is one way to deal with low-end crimes; it allows the criminal to learn more about the bad things about drugs, but will it really change their habits?”

Section 5: Other Offences

Working in conjunction with criminal justice partners, the Department has identified several other offences across different offence categories that it is considering bringing within the Penalty Notice arrangements in the Justice Act (NI) 2011. It is considered that there is merit in extending Penalty Notice powers to the following offences, which include public order related offences, theft / dishonesty offences and liquor licensing offences.

Question 7a: Do you agree with the Department’s proposals to add the offences listed in the consultation paper (section 5.40) to the list of offences for which a

Penalty Notice under the Justice Act (NI) 2011 Part 6, Chapter 1, Schedule 4 can be issued? Please select only one item.

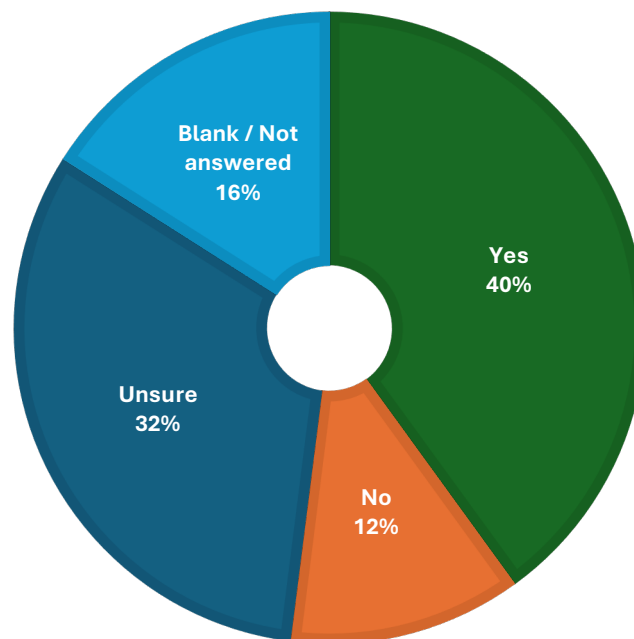
Full list detailed in Appendix 2.

A total of 158 respondents answered this question. Of these, 87% (137) responded as an individual and 13% (21) responded on behalf of an organisation. *These figures exclude respondents who left the question blank or unanswered; however, this group is represented graphically below.*



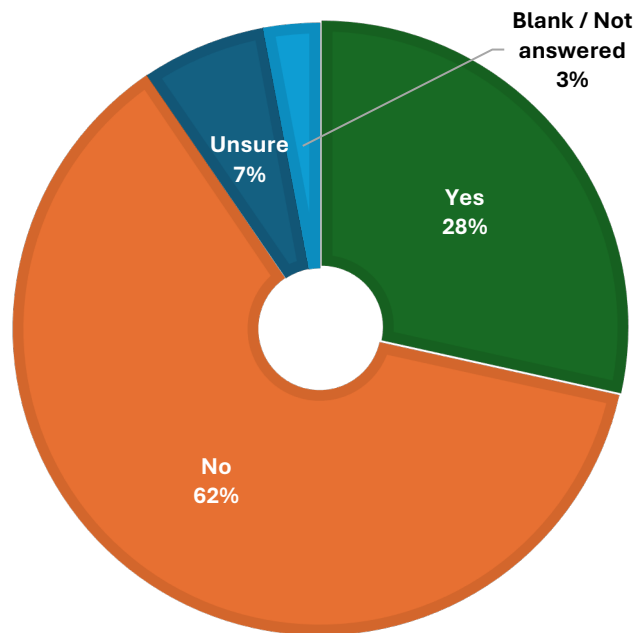
Organisational Responses

Figure 21: Organisational responses to Question 7a



Individual Responses

Figure 22: Individual responses to Question 7a



Question 7b: Please provide your rationale.

A total of 88 respondents answered this question. Of these, 81% (72) responded as an individual and 19% (16) responded on behalf of an organisation. *These figures exclude respondents who left the question blank or unanswered; however, this group is represented graphically below.*



Organisational Responses

Support for Extending Penalty Notices: Organisations advocating for the extension of penalty notices emphasise the importance of flexibility in the justice system. They argue that as the nature of crime in Northern Ireland continues to evolve, it is essential to adapt legal responses accordingly. This adaptability would allow for the timely introduction of new offences and ensure that the enforcement mechanisms remain relevant and effective in addressing emerging challenges within the community.

“PBNI agrees with the proposal to add these offences to the list of matters which are eligible for Penalty Notice.”

PBNI

“Faced with delays in case progression and declining confidence in the justice system, the Department are hoping that expanding the use of OOCs will free up capacity to focus on more serious cases. Thereby, delivering a more efficient system that the public can have confidence in. This is an ambition that the Bar are happy to align with.”

The Bar of Northern Ireland

Allows a greater focus on more serious cases: Some organisations supported the aim to alleviate delays in case progression and focus resources on more serious cases. By incorporating a broader range of penalties, the handling of minor offences can be streamlined, thereby increasing the efficiency of the system. It is hoped that this initiative will ultimately benefit both the public and the legal community.

Provides a range of options: Some organisations acknowledged that this flexibility is crucial for effective law enforcement, allowing officers to tailor their responses based on the specific circumstances of each case. However, they stressed the importance of developing clear guidance to assist in decision-making, ensuring that the application of penalties is both fair and appropriate.

“This will allow officers the full range of options when dealing with the listed offences. Guidance will need to be developed to assist with decision making. Clearly there are offences listed that, given the individual circumstances of the case, may not be suitable for PND and should be prosecuted.”

Superintendents’ Association of Northern Ireland

“Extern do not feel that this question can be answered effectively, and each offence listed should be considered on its own merits.”

Extern Organisation

Concerns about the extensiveness of offences: Respondents expressed concern that the list of suggested offences for penalty notices is already extensive. They argue that simply imposing fines for certain offences may not effectively address the root causes of criminal behaviour and each offence needs to be considered individually.

Risks of Short-Term Solutions: Respondents caution that a system focused solely on fines may lead to longer-term issues if the underlying social and health problems associated with offending behaviour are not addressed. This could result in further reoffending.

“With regards to offences that have an element of aggravation, Penalty Notices should not be considered as there is the potential to miss out on opportunities to assess individual’s engagement in incrementally more violent offences in a regionally consistent manner.”

Southern Health and Social Care Trust



Individual Responses

“Offences like obstructive sitting in a public place or consuming liquor outside permitted hours should be managed with fines.”

Specific Offences Identified: Respondents list various offences that they feel are suitable for penalty notices, including handling stolen goods, obstructive sitting, and public intoxication. This indicates a desire for a more streamlined approach to minor infractions.

Support for Penalty Notices for Minor Offences: Many respondents believe that certain offences, particularly those related to public order and minor disturbances, should be addressed through penalty notices rather than more severe legal consequences. They argue that this approach is appropriate for less serious offences.

“These are the only offences that should be dealt with by penalty notice. The rest are too serious.”

“This is a ridiculous proposal... if it’s all about saving money, why not just disband the police?”

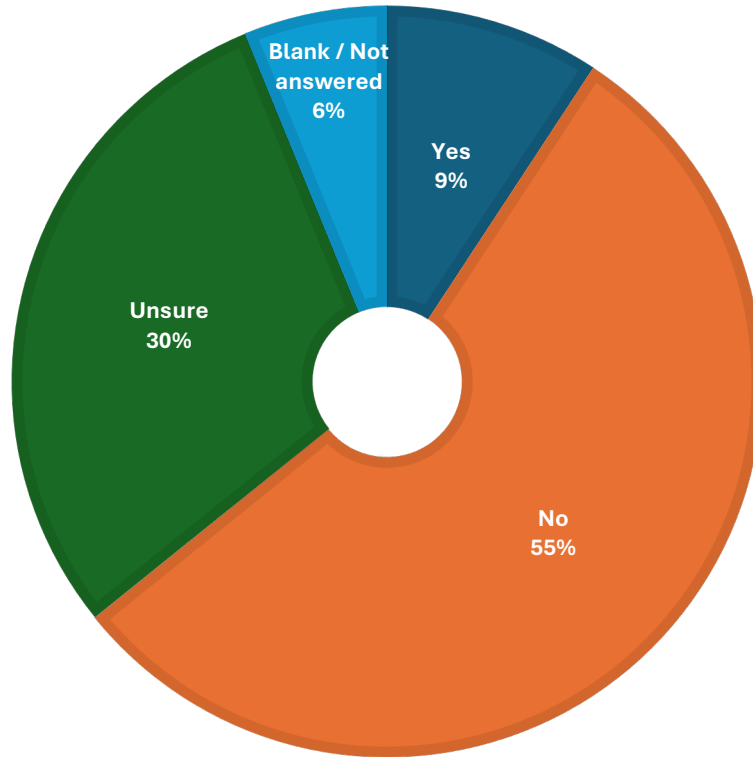
Fear of Encouraging Criminal Behaviour: Some respondents express alarm that such proposals could signal to criminals that there are fewer consequences for their actions, leading to a breakdown in law and order.

Question 8a: Are there any additional offences you think the Department should consider extending the Penalty Notices powers provided in the Part 6, Chapter 1 of Justice Act (NI) 2011 to? Please select only one item.

A total of 158 respondents answered this question. Of these, 87% (137) responded as an individual and 13% (21) responded on behalf of an organisation. *These figures exclude respondents who left the question blank or unanswered; however, this group is represented graphically below.*

All Responses

Figure 23: All responses to Question 8a



Question 8b: Please provide your rationale.

A total of 35 respondents answered this question. Of these, 69% (24) responded as an individual and 31% (11) responded on behalf of an organisation.

The responses were diverse, with only two offences receiving more than one mention each: malicious communications online or on social media, and littering, both cited twice by respondents. It's important to note that for a few of the offence types proposed by respondents, such as littering or dog-fouling, PSNI would not be the primary enforcement agency. Several other offences such as drunk and disorderly, relate closely to offences which are already within the Penalty Notice arrangements. Malicious communications, however, will be examined more closely as a potential offence for Penalty Notices following a data review and further consideration with the Out of Court Disposals working group.

Section 6: Ancillary Changes

Inchoate form of the offence

The Department proposes to make several ancillary changes to the existing Penalty Notice arrangements in the Justice Act (NI) 2011 to modernise and provide further clarity regarding the administration of Penalty Notices. These include providing clarity that Penalty Notices can be issued in relation to offences which are not a substantive offence but rather an inchoate form of the offence, such as where an offender has attempted, or aided and abetted, or conspired etc to commit an offence in the absence of the

commission of substantive Penalty Notice offence listed in the Schedule 4 of the 2011 Act.

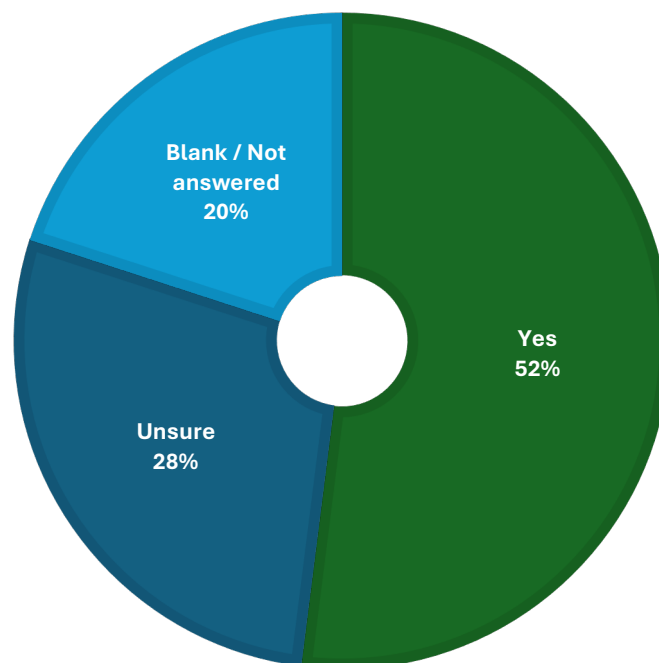
Question 9a: Do you agree with the Department’s proposal that the ability to issue Penalty Notices should apply equally to related forms of offences listed in Schedule 4 of the Justice Act (NI) 2011 as it does for the substantive versions of the offences listed? i.e. Where an offender has attempted, or aided and abetted, or conspired etc to commit an offence listed in the Schedule 4 of the 2011 Act. Please select only one item.

A total of 158 respondents answered this question. Of these, 87% (137) responded as an individual and 13% (21) responded on behalf of an organisation. *These figures exclude respondents who left the question blank or unanswered; however, this group is represented graphically below.*



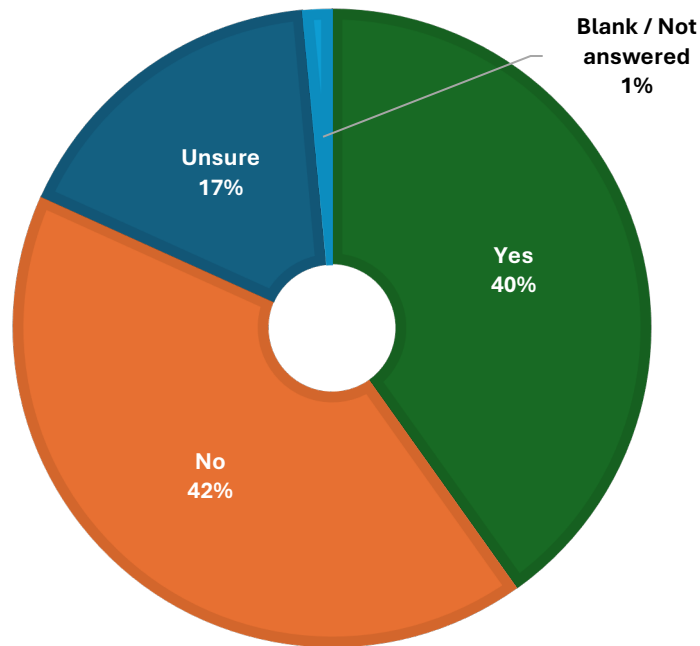
Organisational Responses

Figure 24: Organisational responses to Question 9a



Individual Responses

Figure 25: Individual responses to Question 9a



Question 9b: Please provide your rationale.

A total of 51 respondents answered this question. Of these, 73% (37) responded as an individual and 27% (14) responded on behalf of an organisation. *These figures exclude respondents who left the question blank or unanswered; however, this group is represented graphically below.*



Organisational Responses

“Consistent treatment of inchoate and substantive offences is required to ensure fairness to offenders.”

PPS

Support for Clarifying Penalty Notices: Some organisations support clarifying that Penalty Notices can be issued for inchoate offences, advocating for consistent treatment of these offences to ensure fairness.

Assessment of Aiding and Abetting: The text emphasises the need for careful assessment of individuals suspected of aiding, abetting, or conspiring to commit crimes. Each case should be evaluated on its own merits to protect vulnerable individuals who may be coerced or exploited.

“Each instance... should be assessed on its own merits in order to ensure the safeguarding and protection of at risk (vulnerable) individuals.”

Extern Organisation

“Members are concerned that if a penalty notice is issued, there may not be a full investigation carried out.”

Derry & Strabane PCSP

Concerns About Penalty Notices: There is significant concern that issuing Penalty Notices for complex offences may not allow for thorough investigations. This could overlook instances of coercion or manipulation, which are critical to understanding the context of the crime.

Concerns around legal advice: Introducing penalty notices for related forms of offences, such as attempted, aided, or abetted versions, could place an undue burden on the prosecuting authority to establish the offender's intent, or 'mens rea.' This requirement could lead to minor miscarriages of justice, resulting in additional satellite litigation to rectify these errors. Such outcomes would further strain an already overloaded criminal justice system.

“Will there be an onus on the prosecuting authority to prove the alleged offender intended to commit the offence i.e. ‘mens rea’. Realistically the system could result in minor miscarriages of justice, and subsequent satellite litigation to correct – this would overload the criminal justice system even more”.

Law Society

“Applying Penalty Notices to complex offences... may raise questions about evidence thresholds, proportionality, and fairness.”

**Lisburn & Castlereagh City Council
Community Planning & PCSP**

Legal and Operational Complexity: The proposal to apply Penalty Notices to inchoate offences (e.g., attempts, conspiracy) introduces legal complexities that may not align with community safety goals. Questions arise regarding evidence thresholds and the fairness of applying fixed penalties to nuanced situations.

Impact on Victims: The discussion highlights the importance of considering the victim's perspective in offences involving coercion. Issuing a penalty notice may not serve as a deterrent if a victim is involved, raising concerns about the adequacy of such measures.

“It is not a deterrent if there is a victim involved to be issued with a Penalty Notice.”

Women's Aid NI



Individual Responses

Attempted Offences: The responses advocate that attempts to commit an offence should be treated as seriously as the substantive offence itself. This includes the belief that such attempts should be sentenced accordingly.

“The attempt to commit an offence should be treated as it currently is, that is as the substantive offence and sentenced as the substantive”

“Attempted, or aided and abetted, or conspired etc. to commit an offence is as bad as committing the offence itself.”

Aiding and Abetting: Respondents argue that aiding, abetting, or conspiring to commit an offence is equally serious as committing the offence itself. It emphasises that these actions should be treated with the same level of seriousness.

Call for Accountability: Respondents emphasise the need for accountability in the justice system, advocating for charges rather than fines. They argue that the approach may be perceived as a cost-saving measure rather than a genuine effort to uphold justice.

“A lot of offenders do not care for fines as they know it will be paid at some stage. They need to start being charged rather than fined.”

Increase Penalty Notice Amounts

It has been nearly fifteen years since Penalty Notices were introduced, and there have been no changes to the Penalty Offences or the fixed amounts payable in respect of them during that period. The Department proposes revalorising the fixed amount payable in respect of each of the Penalty Notice offences to ensure they remain relevant.

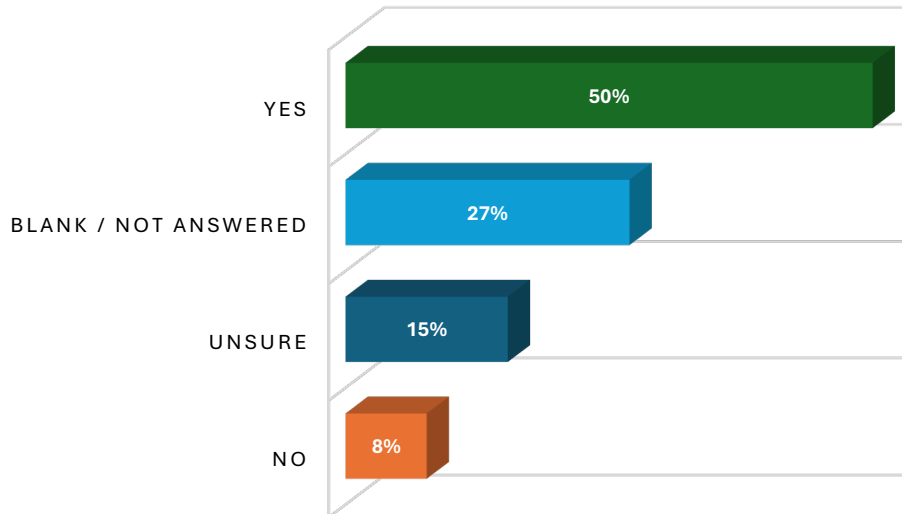
Question 10a: The Department is proposing an increase in the amount payable in respect of the various Penalty Notice offences. Do you agree that, given that there have been no changes to the Penalty amounts since the legislation was commenced in 2012, the Penalty Notice amounts should be increased? Please select only one item.

A total of 157 respondents answered this question. Of these, 87% (137) responded as an individual and 13% (20) responded on behalf of an organisation. *These figures exclude respondents who left the question blank or unanswered; however, this group is represented graphically below.*



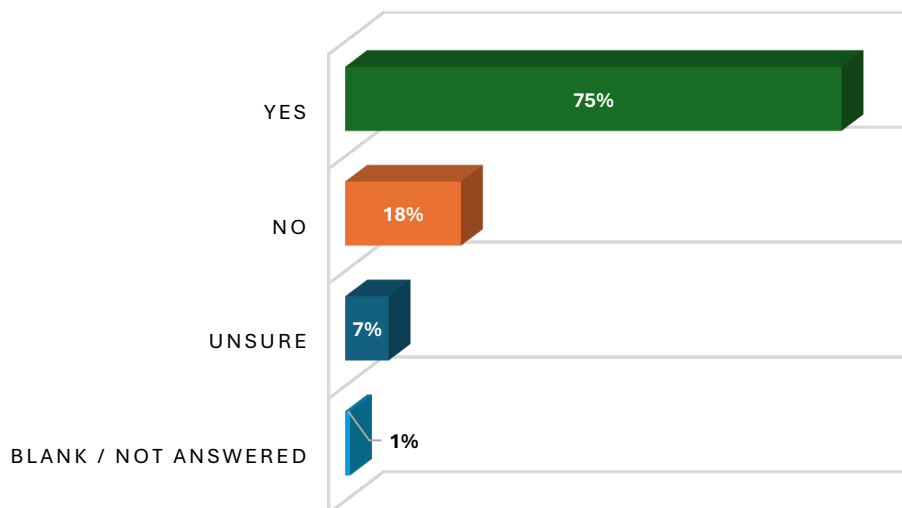
Organisational Responses

Figure 26: Organisational responses to Question 10a



Individual Responses

Figure 27: Individual responses to Question 10a



Question 10b: If you agree, please provide views as to what an appropriate increase in Penalty amount should be.

A total of 70 respondents answered this question. Of these, 79% (55) responded as an individual and 21% (15) responded on behalf of an organisation.



Organisational Responses

Figure 28: Organisational responses to Question 10b



“Since it has been 13 years and there has been no review into the amounts... we would support a review into the amounts.”

Sinn Fein

Need for Review: Given that no adjustments have been made since 2012, there is a consensus on the necessity of reviewing penalty amounts to ensure they remain effective deterrents.

Impact on society: There is support for increasing the amounts associated with penalty notices, particularly considering concerns that low penalties may fail to deter repeat offenders. As highlighted, if ‘Out of Court’ Disposals are perceived as a “soft option,” they may not provide the necessary deterrent effect, especially for offences like shoplifting, which, even at low values, can significantly impact businesses and contribute to a sense of insecurity within communities.

“We are concerned that if the penalties are too low or if there is a perception that OOCs are a “soft option,” it may not adequately deter repeat offenders. Repeat shoplifting, even of low value, significantly impacts the bottom line of every business and creates an atmosphere of insecurity.”

Retail NI

“If someone was issued with a penalty notice for £40 for the possession of Class A drugs, then that would seem unreasonable.”

Derry & Strabane PCSP

Proportionality of Fines: Members argue that penalty amounts should be proportionate to the offence. For instance, a £40 fine may be reasonable for minor infractions but inadequate for serious offences.

Evidence-Based Decisions: The text calls for a review of evidence from other jurisdictions regarding the impact of penalty notices on reoffending rates, advocating for informed decision-making on penalty amounts.

“It would be of benefit to have a review of evidence from across the UK and Europe with regard to the impact of Penalty Notices on desistance from offending.”

Southern Health and Social Care Trust

“Unless some form of means assessment is adopted, we oppose increasing penalty amounts at this time.”

Church of Ireland's Church

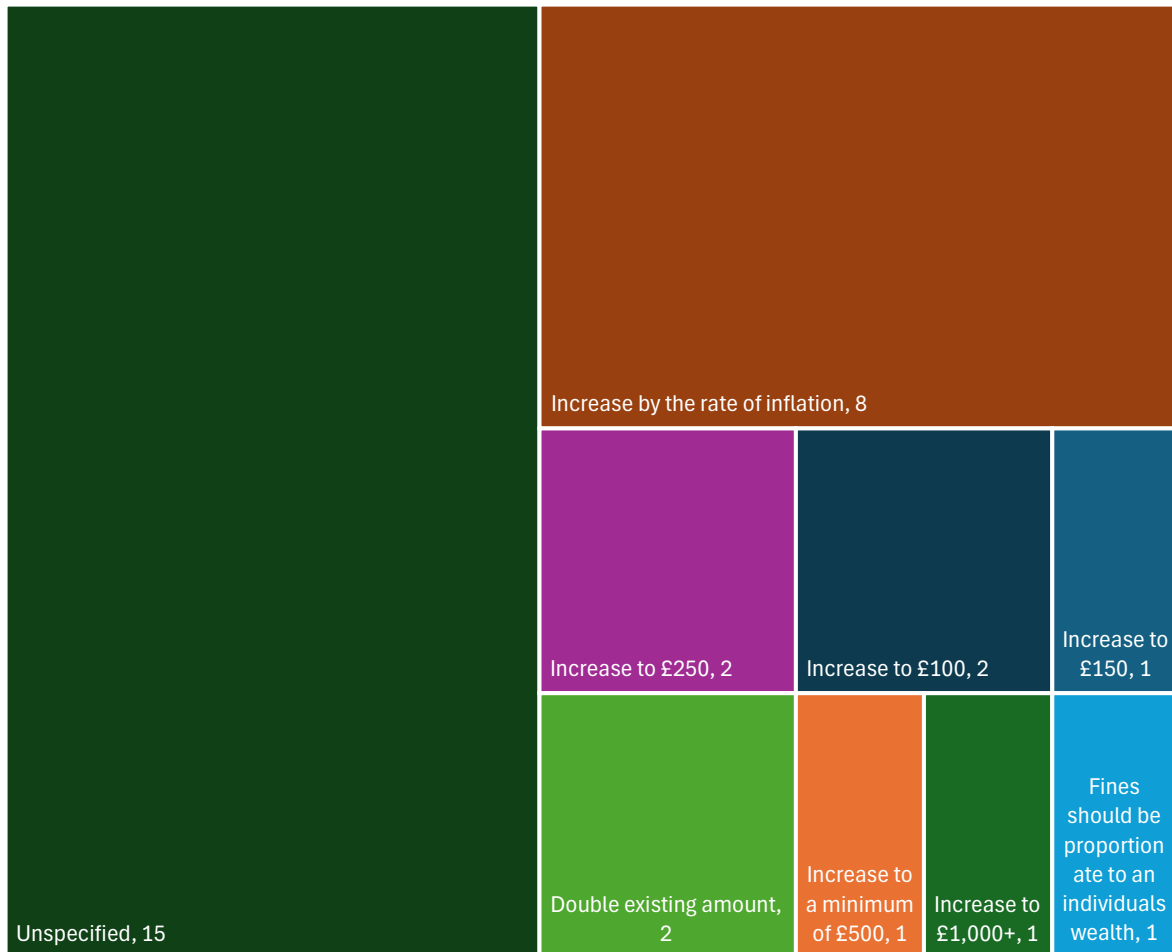
those least able to pay.

Inequity of Increased Fines & Requirement for Means Assessment: There is a strong belief that raising penalty amounts disproportionately affects low-income individuals, potentially leading them to court for non-payment. Responses emphasise the need for flexibility in payment options and the consideration of means assessments to avoid placing undue financial burdens on



Individual Responses

Figure 29: Individual responses to Question 10b



Need for Higher Penalties: Many respondents advocate for raising penalty amounts, suggesting that fines should be adjusted to reflect inflation and the current economic climate. A common suggestion is to set fines at a minimum of £100 to £250, with some arguing for even higher amounts to ensure they are impactful. Respondents argue that without meaningful penalties, offenders may not take the consequences seriously.

“The amount should be doubled. There has to be a deterrent.”

“No increase in over 10 years+ seems very out of date given inflation.”

Impact of Inflation: Many responses highlight that fines have not been adjusted since 2012, leading to a decrease in their real value. This has resulted in fines being perceived as ineffective.

Proportionality of Fines: Members argue that penalty amounts should be proportionate to the offence. For instance, a £40 fine may be reasonable for minor infractions but inadequate for serious offences.

“If someone was issued with a penalty notice for £40 for the possession of Class A drugs, then that would seem unreasonable.”

“These should be proportionate to an individual's wealth; otherwise, it is unequal in terms of reasonableness and fairness.”

Concerns About Trust and Fairness: Some respondents emphasise that fines should be proportionate to an individual's wealth to ensure fairness in enforcement. This perspective argues that a flat fine may disproportionately affect those with lower incomes.

Payment Arrangements

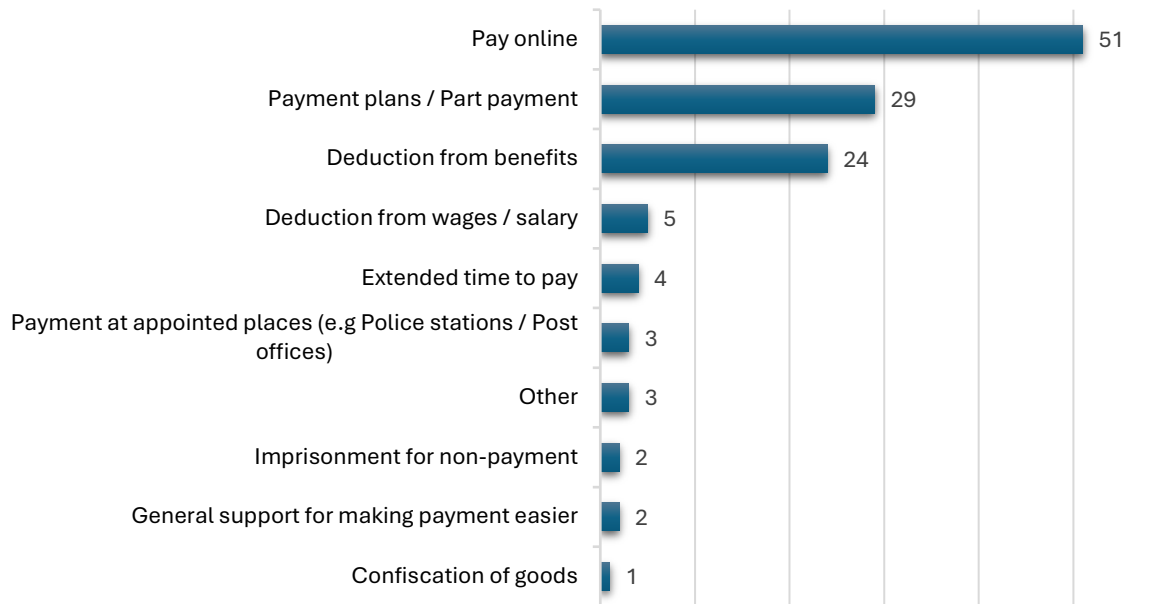
Currently, there is no flexibility for PSNI to agree an alternative payment plan with those to whom a Penalty Notice has issued. The Department is mindful that failure to pay on time could result in the case being prosecuted before the court, and whilst the legislation defining Penalty Notices define clear timescales to provide clarity to the process, the Department is open to exploring whether providing more flexibility in relation to payment arrangements could lead to greater compliance and ultimately help to reduce the number of cases prosecuted at magistrates' courts.

Q11: Please provide views as to any improvements to the payment arrangements for Penalty Notices which might encourage more people to pay? E.g. online payment, part payment etc.

A total of 107 respondents answered this question. Of these, 86% (92) responded as an individual and 14% (15) responded on behalf of an organisation.

Overall Responses

Figure 30: Overall responses to Question 11



 **Organisational Responses**

Flexible Payment Plans: The introduction of flexible payment options (e.g. part-payment instalment plans) is strongly supported. This flexibility is crucial for individuals who may struggle to pay fines in a lump sum, particularly those on fixed incomes or benefits.

“Payment plans spread across six to twelve months would benefit those in economic need.”
Southern Health and Social Care

“Greater flexibility in relation to payment is likely to improve compliance and help to reduce the number of cases prosecuted in the Magistrates’ Courts.”
PPS

Reducing Court Pressure: The responses highlight that greater flexibility in payment options could lead to improved compliance and a reduction in the number of cases prosecuted in court due to non-payment.

Online Payment Options: Members agree on the necessity of introducing online payment options for penalty notices. This would enhance convenience, reduce administrative costs, and eliminate the challenges associated with traditional payment methods, such as cheques.

“Online payment methods provide instant payments, which is more cost effective and ultimately reduces administration costs/time.”
Derry & Strabane PCSP

"Support with the underlying issues such as independent living skills and budget management should be offered alongside any imposition of fines."

Extern Organisation

Support Financial Difficulties: There is a consensus that individuals facing financial difficulties should receive support to pay fines. For example: assistance with underlying issues such as independent living skills and budget management, which can help prevent further

involvement in the criminal justice system.



Individual Responses

Online Payment Systems: A significant number of respondents advocate for the implementation of online payment options for fines.

"Online payment is essential...Paying online is probably easiest."

"Part payment over a few months only should be used... Payment plans over a period of say 3 months."

Part Payment and Payment Plans: Many suggest allowing part payments or payment plans, especially for larger fines. This approach is seen to alleviate financial stress on individuals while ensuring that fines are eventually paid.

Deductions from Benefits or Wages: There is strong support for deducting fines directly from benefits or wages, particularly for those who are unemployed or on welfare.

"Take payments out of benefits and/ or wages if employed."

"Increase the time spent in custody for non-payments... robust consequences for those who don't pay."

Consequences for Non-Payment: Respondents emphasise the need for robust consequences for those who fail to pay their fines. Suggestions include community service, increased fines for repeat offenders, or even custodial sentences for persistent non-payers.

Concerns About Accessibility: While online payments are favoured, some respondents caution that not everyone has access to the internet. They stress the need for alternative payment methods to ensure that all individuals can fulfil their obligations.

"It is important to stress that this cannot become the norm as it assumes that everybody has a way of accessing the internet."

Appendix 1: List of Organisations that responded

25 organisations responded to the consultation via the online survey or a written response. These organisations have been listed below.

1. Ulster Unionist Party
2. Extern Organisation
3. Women's Aid NI
4. Retail NI
5. Derry & Strabane PCSP
6. Lisburn & Castlereagh Community Planning and PCSP
7. Sinn Fein
8. Northern Ireland Prison Service
9. Community Union
10. Democratic Unionist Party
11. The Police Federation for Northern Ireland
12. Probation Board for Northern Ireland (PBNI)
13. Fermanagh & Omagh PCSP
14. Victim Support NI
15. Church of Ireland's Church and Society Commission
16. South Eastern Health and Social Care Trust
17. Chief Inspector of Criminal Justice
18. The Bar of Northern Ireland
19. Commission for Victims of Crime Office
20. Law Society
21. Northern Ireland Policing Board
22. Public Prosecution Service
23. Superintendents' Association of Northern Ireland
24. Police Service of Northern Ireland
25. Southern Health and Social Care Trust

Appendix 2: List of other offences to which a Penalty Notice could be extended to

This list relates to Q7 of the consultation responses and is detailed in section 5.40 of the consultation paper.

The Theft Act (NI) 1969

- Section 9(1)(b) - Burglary (Non-dwelling).
- Section 21(1) - Handling / receiving stolen goods.
- Section 24(1) - Going equipped for theft.

The Theft (NI) Order 1978

- Article 5(1) - Making off without payment.

Public Order (Northern Ireland) Order 1987

- Article 9 – Use of works / displays of material.
- Article 18(3) – Riotous behaviour.
- Article 19(1)(b) – Provocative conduct in a public place.
- Article 20 – Obstructive sitting, etc. in a public place.
- Article 23A – Entering a public building as a trespasser.
- Article 23B Wilfully neglecting or failing to comply with direction to leave a public building.

Criminal Justice and Public Order Act 1994

- Section 68 – Aggravated trespass.
- Section 69 – Failing to comply with direction to leave land.

The Road Traffic (NI) Order 1995

- Article 32 – Leaving a vehicle in a dangerous position.
- Article 33(1)(a) – Intentionally, or without lawful authority, or reasonable cause, causes anything to be left on or over a road.
- Article 33(1)(b) – Intentionally, or without lawful authority or reasonable cause, interferes with a motor vehicle, trailer, or cycle.
- Article 33(1)(c) – Intentionally, or without lawful authority or reasonable cause, interferes (directly or indirectly) with traffic equipment.

- Article 38 – Pedestrian endangering own safety or that of others.

The Licensing Order (Northern Ireland) 1996

- Article 41(1)(a)(i) – Selling intoxicating liquor in licensed premises outside permitted hours.
- Article 41(1)(a)(ii) – Permitting consumption of intoxicating liquor in licensed premises outside permitted hours.
- Article 41(1)(b) – Purchasing intoxicating liquor in licensed premises outside hours.
- Article 41(1)(c) – Consuming intoxicating liquor in licensed premises outside hours.
- Article 41(1)(d) – Taking intoxicating liquor from licensed premises outside hours.
- Article 64(a) – Riotous, Disorderly or Indecent behaviour on licensed premises.
- Article 64(b) – Behaviour likely to cause a breach of the peace on licensed premises.

The Public Processions (Northern Ireland) Act 1998

- Section 6(7) – Taking part in, or organising, an unnotified public procession or where the date, time or route differ from the notice requirements.
- Section 13 – Possessing and consuming intoxicating liquor at public processions.
- Section 14 – Breaking up public processions / Preventing or hindering a lawful public procession.

The Fraud Act 2006

- Section 1(2)(a) – Fraud by false representation.
- Section 1(2)(b) – Fraud by failing to disclose information.
- Section 1(2)(c) – Fraud by abuse of position.
- Section 6 – Possession etc. of articles for use in fraud.
- Section 11 – Obtaining services dishonestly.

Justice Act (Northern Ireland) 2011

- Section 36 - Throwing of articles capable of causing injury at a regulated match.
- Section 37 - Indecent, sectarian, threatening, abusive or insulting chanting, etc. at a regulated match.
- Section 38 - Going onto the playing area at a regulated match.
- Section 39 - Possession of fireworks, flares, etc at a regulated match.
- Section 40 - Possession or permitting of intoxicating liquor on a vehicle travelling to a regulated match.

Common law

- Public nuisance