



REGISTER OF FINES ETC. RULES 2014

Index

Rule		Page
1	Title	3
2	Commencement	3
3	Interpretation and application	3
4	Performance of steps under these Rules.....	4
5	Manner, etc, in which the Register is to be kept.....	4
6	Conditions for the registration of a fine	4
7	Details relating to a fine to be entered in the register	5
8	Cancellation or endorsement of entry of a fine in the Register	5
9	Cancellation of entries in the Register – additional provisions.....	6
10	Application for, and issue of, a certificate of satisfaction	6
11	Correction of registered details of the fine	7
12	Removal of entries in the Register - rehabilitation of offenders	7
13	Removal of entries in the register – enforcement proceedings time barred.....	8
14	Searches of the Register	8
15	Certified copies	8
16	Refusal of access to the Register	8

Statutory Document No. 2014/0105



Summary Jurisdiction Act 1989

REGISTER OF FINES ETC. RULES 2014

Laid before Tynwald:

Coming into Operation:

1 April 2014

The Clerk of the Rolls makes the following Rules under sections 91 and 101A of the Summary Jurisdiction Act 1989¹.

1 Title

These Rules are the Register of Fines Etc. Rules 2014.

2 Commencement

These Rules come into operation on 1 April 2014.

3 Interpretation and application

(1) In these Rules—

“the 1985 Act” means the Collection of Fines etc. Act 1985²;

“the 1989 Act” means the Summary Jurisdiction Act 1989;

“the 2001 Act” means the Rehabilitation of Offenders Act 2001³;

“applicable charge” means the charge fixed by the Treasury in accordance with section 101A (3) of the 1989 Act;

“data protection principles” means the principles set out in Part 1 of Schedule 1 to the Data Protection Act 2002⁴ as read subject to Part 2 of that Schedule and section 23(1) of that Act;

“default in payment” means a failure to pay a fine (or any relevant part or instalment thereof according to the terms upon which the same was incurred) which shall cause to be regarded in default the entire sum then outstanding in respect of the original fine not already paid on the date upon or before which such fine or relevant part or instalment was

¹ 1989 c.15

² 1985 c.7

³ 2003 c.6

⁴ 2002 c.2

required to be paid to the Chief Registrar under section 1 of the 1985 Act and where the context so admits or requires includes an “existing default” as next hereinafter defined;

“existing default” means a default in payment of a fine subsisting and shown in the records of the Chief Registrar kept for the purposes of section 1 of the 1985 Act immediately prior to the commencement of these Rules and continuing on and immediately after such commencement;

“fine” refers to any fine or other sum which is required to be paid to the Chief Registrar by virtue of section 1 of the 1985 Act and includes any part or instalment of any such fine or other sum and any increase imposed by or under any statutory provision in the event of non-payment of such a fine or other sum and includes such fine or other sum as varied, partially remitted or the balance of such a fine or other sum remaining unpaid;

“the Register” means the register kept in accordance with section 101A of the 1989 Act;

“Registrar” means the Chief Registrar and includes any person including a body corporate for the time being carrying out the function of the Chief Registrar under section 101A of the 1989 Act under delegated authority or providing services in connection with that function;

“satisfied”, in relation to a fine, means that the fine has been paid in full, and “satisfaction” is to be construed accordingly.

(2) Where there is at 1 April 2014 an existing default in respect of a fine the Chief Registrar may cause it to be entered on the Register in accordance with these Rules.

4 Performance of steps under these Rules

Any step to be taken under these Rules by the Chief Registrar shall be taken as soon as may be reasonably practicable.

5 Manner, etc, in which the Register is to be kept

The Register shall be kept by the Chief Registrar in such a manner and at such a place as he shall determine.

6 Conditions for the registration of a fine

The Registrar shall enter in the register the details relating to a fine if (and only if) —

- (1) the Chief Registrar is satisfied from the records kept by him for the purposes of section 1 of the 1985 Act that there has been a default in payment in respect of that fine; and
- (2) that there are not at the time of entry of the details of the fine on the register any current proceedings before a court for either an extension of

time to pay or variation or remission of that fine or any appeal in relation to the liability for payment of that fine; and

- (3) (where the person whose default in payment which triggers the entry of the fine on the register is an individual) the person whose details are being entered on the register was aged 18 years or over on the date the liability to pay the fine first arose.

7 Details relating to a fine to be entered in the register

If in accordance with rule 6 a fine must be registered in the Register, the Registrar must enter in the Register the following details of the fine –

- (a) the full name and address (including postcode where known) of the person liable to pay the fine;
- (b) if the entry is to be in respect of an individual, that individual's date of birth (where known);
- (c) the amount of the fine unpaid as at the date of entry on the register;
- (d) the name of the court making the order, declaration or judgment and the case number and date upon which the order, declaration or judgment was made or (as the case may be) the statutory provision by which the sum was made applicable as a fine imposed by a criminal court and the reference number or other identifying reference which will enable the entry in the register to be clearly correlated to the relevant fine; and
- (e) if applicable, the date on which the fine was satisfied or cancelled.

8 Cancellation or endorsement of entry of a fine in the Register

- (1) Where it comes to the attention of the Registrar that –
 - (a) the fine to which the entry relates has been satisfied one month or less from the date on which the fine was registered; or
 - (b) any conviction, order, declaration or judgment or obligation for which the fine was imposed has been quashed, set aside or reversed,the Registrar shall cancel the entry.
- (2) Where it comes to the attention of the Registrar that the fine has been satisfied more than one month from the date on which the fine was registered, the Registrar shall endorse the entry as to the satisfaction of the fine.
- (3) Where it comes to the attention of the Registrar that –
 - (a) a fine has been varied;
 - (b) a fine has been revoked; or
 - (c) a fine has been satisfied,

the Registrar shall endorse the entry accordingly.

9 Cancellation of entries in the Register – additional provisions

- (1) Where an entry in the Register is endorsed in accordance with Rule 8(2) and the Registrar is later of the opinion that the fine was satisfied one month or less from the original date on which the fine was registered the Registrar shall cancel the relevant entry.
- (2) Where —
 - (a) it comes to the attention of the Registrar that an administrative error has been made; and
 - (b) the Registrar is of the opinion that the error is such as to require the cancellation or amendment of an entry in the Register,the Registrar shall cancel or amend the relevant entry.
- (3) Where a court orders the cancellation of an entry the Registrar shall cancel the entry within the time specified by the court for the Registrar to do so (or if no time is specified the Registrar shall cancel the entry within 5 working days of becoming aware of the court decision).

10 Application for, and issue of, a certificate of satisfaction

- (1) A person whose details have been entered in the register in respect of a fine may on payment of the prescribed fee (if any) apply to the Chief Registrar for a certificate (“certificate of satisfaction”) as to the satisfaction of the fine.
- (2) An application under paragraph (1) shall be —
 - (a) made in writing; and
 - (b) accompanied by the prescribed fee; and
 - (c) shall be accompanied by —
 - (i) sufficient evidence that the fine has been satisfied; or
 - (ii) a statement that the person believes such evidence is already in the possession of the Chief Registrar.
- (3) For the purposes of paragraph (2)(c) (i), sufficient evidence that the fine has been satisfied includes an official receipt to that effect.
- (4) For the purposes of paragraph (2)(c)(ii), evidence which is already in the possession of the Chief Registrar includes where —
 - (a) the fine has been paid as the result of other court enforcement proceedings;
 - (b) payment of the fine has otherwise been made to the Chief Registrar and recorded in the accounts of the Chief Registrar maintained for the purposes of the 1985 Act.

- (5) If the Chief Registrar is of the opinion that the fine has been satisfied the Chief Registrar shall issue a certificate of satisfaction to the person and the Registrar shall (if the entry on the Register has not already been cancelled or endorsed under any other provision of these rules) make any necessary cancellation or endorsement in the Register which the Registrar may consider necessary.

11 Correction of registered details of the fine

- (1) Where it comes to the attention of a person whose name has been entered in the register in relation to a fine that the entry in the Register relating to that fine is inaccurate with respect to the details of the fine, that person may give notice to the Registrar requiring an amendment to be made (“amendment notice”).
- (2) The amendment notice shall—
 - (a) identify the entry which is alleged to be inaccurate; and
 - (b) state the amendment which is required.
- (3) Following receipt of an amendment notice in respect of an entry in the Register, the Registrar shall check the information contained in the entry against the official records and make any other inquiries the registrar may consider to be necessary.
- (4) Where the Registrar is satisfied that the entry ought to be amended in accordance with the amendment notice, the Registrar shall amend the Register accordingly and shall inform the person who submitted the amendment notice of the action taken and the reasons for having taken that action.
- (5) Where the Registrar is satisfied that the entry is accurate, the Registrar shall inform the person who submitted the amendment notice that no action is to be taken and the reasons for not taking any action.

12 Removal of entries in the Register - rehabilitation of offenders

- (1) The Registrar shall remove any entry in the Register relating to a fine in relation to which a rehabilitation period is specified in the 2001 Act five years after the date of the conviction for the offence for which the fine entered in the register relates.
- (2) If at any time after the commencement of these Rules the rehabilitation period specified in the 2001 Act in respect of a fine is amended the reference in paragraph (1) to the period of five years shall (where the context so requires) be construed as a reference the rehabilitation period as so amended.

13 Removal of entries in the register – enforcement proceedings time barred

- (1) Without prejudice to the Registrar's obligations under rule 12, and subject to paragraph (2), if at any time the Registrar is satisfied upon reasonable grounds that any limitation period relating to the possibility of further proceedings for enforcement or recovery of a fine entered on the Register has expired the Registrar shall remove the relevant entry from the register.
- (2) "Reasonable grounds" upon which the Registrar may act under paragraph (1) of this Rule means an order or direction of a competent court or an opinion in writing by an advocate.

14 Searches of the Register

- (1) Subject to Rule 16, searches of the Register may be carried out on payment of the applicable charge relevant to the type and method of search.
- (2) The types of search which may be carried out are—
 - (a) at a stated address, against a named individual or unincorporated body;
 - (b) against a named incorporated body;
 - (c) a periodical search—
 - (i) relating to a named court;
 - (ii) with the agreement of the Registrar, against such other criteria as may be requested.

15 Certified copies

On receipt of—

- (a) a written request for a certified copy of an entry in the Register; and
- (b) the applicable charge for such a request,

the Registrar shall provide a copy of that entry, certified by him as a true and complete copy of the entry in the Register.

16 Refusal of access to the Register

The Registrar may—

- (a) refuse a person access to the Register, or to a part of the Register; and
- (b) refuse to carry out a search of the Register,

if the Registrar believes that the purpose for which access has been requested or for which the results of the search will be used contravenes—

- (i) any of the data protection principles; or
- (ii) the provisions of any other enactment.

MADE 20 MARCH 2014

D C DOYLE

Her Majesty's First Deemster and Clerk of the Rolls

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules made under sections 91 and 101A of the Summary Jurisdiction Act 1989 make provision in respect of the register to be kept of the fines and other sums which are required to be paid to the Chief Registrar under the provisions of the Collection of Fines etc. Act 1985 and of persons defaulting in their payment of such fines and other sums:

- (a) all fines adjudged to be paid by a conviction of a criminal court;
- (b) all sums which become payable by virtue of an order, declaration or judgment of a court and are by virtue of any statutory provision made applicable as fines imposed by a criminal court or any class or description of such fines;
- (c) all sums required to be paid by a compensation order under Schedule 6 to the *Criminal Law Act 1981*;
- (d) all sums in respect of costs adjudged to be paid to the prosecutor by a conviction of a criminal court.

In particular, these Rules provide for certain details to be made publically accessible —

- (a) defaults in respect of fines etc. to be registered (Rules 6 and 7);
- (b) cancellation of entries in the register and endorsement of notices against entries (Rules 8 and 9);
- (c) certification as to the payment in full of a fine etc. (Rule 10);
- (d) correction of entries in the register (Rule 11);
- (e) removal of an entry in the register (Rules 12 and 13);
- (f) searches of the register and provision of certified copies (Rule 14 and 15);
- (g) refusal of access to the register (Rule 16).

The public register only includes details of fines which are in default, i.e. where the person has failed to comply with the ordered payment terms. If they have been ordered to pay by instalments but fail to meet that obligation, the full amount outstanding (not just the amount overdue) is in default.

Periodical payment orders are not included in the register.