



Number 8 of 2010

FINES ACT 2010

REVISED

Updated to 11 January 2016

This Revised Act is an administrative consolidation of *Fines Act 2010*. It is prepared by the Law Reform Commission in accordance with its function under *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), enacted 11 February 2016, and all statutory instruments up to and including *Fines (Payment and Recovery) Act 2014 (Commencement) Order 2016* (S.I. No. 6 of 2016), made 7 January 2016, were considered in the preparation of this Revised Act.

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Introduction

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1999, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Fines (Payment and Recovery) Act 2014 (7/2014)*

All Acts up to and including *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), enacted 11 February 2016, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Finance (Transfer of Departmental Administration and Ministerial Functions (No. 2) Order 2011* (S.I. No. 480 of 2011)
- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)
- *Fines Act 2010 (Commencement) Order 2010* (S.I. No. 662 of 2010)

All statutory instruments up to and including *Fines (Payment and Recovery) Act 2014 (Commencement) Order 2016* (S.I. No. 6 of 2016), made 7 January 2016, were considered in the preparation of this revision.



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ACTS REFERRED TO

| | |
|--|---------------------|
| Courts (No. 2) Act 1986 | 1986, No. 26 |
| Criminal Justice Act 1951 | 1951, No. 2 |
| Criminal Justice Act 1984 | 1984, No. 22 |
| Criminal Justice Act 2006 | 2006, No. 26 |
| Criminal Justice Administration Act 1914 | 4 & 5 Geo. 5, c. 58 |
| Criminal Justice (Community Service) Act 1983 | 1983, No. 23 |
| Criminal Justice (Theft and Fraud Offences) Act 2001 | 2001, No. 50 |
| Criminal Procedure Act 1967 | 1967, No. 12 |



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REVISED

Updated to 11 January 2016

AN ACT TO MAKE PROVISION IN RELATION TO THE MAXIMUM FINES THAT A COURT MAY IMPOSE IN RESPECT OF OFFENCES TRIED SUMMARILY AND CERTAIN OFFENCES TRIED ON INDICTMENT; TO PROVIDE THAT A COURT IN IMPOSING A FINE UPON CONVICTION OF A PERSON OF AN OFFENCE SHALL TAKE ACCOUNT OF A PERSON'S FINANCIAL CIRCUMSTANCES; TO PROVIDE FOR THE PAYMENT OF SUCH FINES BY INSTALMENT IN CERTAIN CIRCUMSTANCES; TO MAKE PROVISION IN RELATION TO THE POWERS OF THE COURT WHERE THERE HAS BEEN A FAILURE ON THE PART OF A CONVICTED PERSON TO PAY A FINE; FOR THOSE PURPOSES TO AMEND THE CRIMINAL JUSTICE (COMMUNITY SERVICE) ACT 1983 AND THE COURTS (NO. 2) ACT 1986; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH.

[31st May, 2010]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

C1 Functions transferred and terms "Minister for Finance" and "Department of Finance" construed (20.09.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) (No. 2) Order 2011* (S.I. No. 480 of 2011), arts. 2-4 and sch., in effect as per art. 1(2).

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or any instrument made thereunder and relating to any administration and business transferred by paragraph (1) shall, from the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under—

(a) the provisions of the enactments specified in the Schedule, and

...

are transferred to the Minister for Public Expenditure and Reform.

4. References to the Minister for Finance contained in any Act or instrument made under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

SCHEDULE

Enactments

| Number and Year (1) | Short Title (2) | Provision (3) |
|------------------------|--------------------|------------------|
| ... | ... | ... |
| No. 8 of 2010 | Fines Act 2010 | Section 20(2) |
| ... | ... | ... |

C2 Functions transferred and terms “Minister for Finance” and “Department of Finance” construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2).

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of:

(a) the enactments specified in Schedule 1, and

...

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

| Number and Year (1) | Short Title (2) | Provision (3) |
|------------------------|--------------------|--------------------------|
| ... | ... | ... |
| No. 8 of 2010 | Fines Act 2010 | Sections 16(9)(b) and 17 |
| ... | ... | ... |

PART 1

PRELIMINARY AND GENERAL

Short title and commencement.

1.— (1) This Act may be cited as the Fines Act 2010.

(2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.

Annotations

Editorial Notes:

E1 Power pursuant to section exercised (30.12.2010) by *Fines Act 2010 (Commencement) Order 2010* (S.I. No. 662 of 2010).

2. The 4th day of January 2011 is appointed as the day on which the following provisions of the Fines Act 2010 (No. 8 of 2010) shall come into operation:

(a) Parts 1 and 2; and

(b) sections 12 and 14.

Definition.

2.— In this Act “Minister” means the Minister for Justice, Equality and Law Reform.

PART 2

INCREASE OF FINES

Definitions.

3.— In this Part—

“class A fine” means a fine not exceeding €5,000;

“class B fine” means a fine not exceeding €4,000;

“class C fine” means a fine not exceeding €2,500;

“class D fine” means a fine not exceeding €1,000;

“class E fine” means a fine not exceeding €500;

“commencement date” means the date of the coming into operation of this Part;

“enactment” means—

(a) an Act of the Oireachtas,

(b) a statute that was in force in Saorstát Éireann immediately before the date of the coming into operation of the Constitution and that continues in force by virtue of Article 50 of the Constitution, or

(c) an instrument made under—

(i) an Act of the Oireachtas, or

(ii) such a statute.

Class A fines.

4.— (1) Where an enactment enacted on or after the commencement date provides that a person who commits an offence under that or any other enactment shall be liable, upon summary conviction, to a class A fine, the reference to class A fine shall be construed as a reference to class A fine within the meaning of this Part.

(2) Subject to *subsection (3)*, where an enactment enacted during a period specified in *column (2)* of the Table opposite a particular reference number specified in *column (1)* of the Table provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that falls within the range of amounts specified in *column (3)* of the Table opposite the same reference number, a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine, but shall instead be liable to a class A fine.

(3) Where an enactment enacted before the commencement date provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that—

(a) was provided for by virtue of a subsequent enactment enacted during a period specified in *column (2)* of the Table opposite a particular reference number specified in *column (1)* of the Table, and

(b) falls within the range of amounts specified in *column (3)* of the Table opposite the same reference number,

a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine but shall instead be liable to a class A fine.

TABLE

| Reference Number (1) | Period (2) | Range of amounts (3) |
|-------------------------|--|---|
| 1. | 1 January 1997 to day immediately before commencement date | Not greater than €5,000 but greater than €4,000 |
| 2. | 1 January 1990 to 31 December 1996 | Not greater than €5,000 but greater than €2,769 |
| 3. | 1 January 1980 to 31 December 1989 | Not greater than €5,000 but greater than €2,328 |
| 4. | 1 January 1975 to 31 December 1979 | Not greater than €5,000 but greater than €970 |
| 5. | 1 January 1965 to 31 December 1974 | Not greater than €5,000 but greater than €491 |
| 6. | 1 January 1945 to 31 December 1964 | Not greater than €5,000 but greater than €234 |
| 7. | 1 January 1915 to 31 December 1944 | Not greater than €5,000 but greater than €127 |
| 8. | Period ending on 31 December 1914 | Not greater than €5,000 but greater than €100 |

Class B fines.

5.— (1) Where an enactment enacted on or after the commencement date provides that a person who commits an offence under that or any other enactment shall be liable, upon summary conviction, to a class B fine, the reference to class B fine shall be construed as a reference to class B fine within the meaning of this Part.

(2) Subject to *subsection (3)*, where an enactment enacted during a period specified in *column (2)* of the Table opposite a particular reference number specified in *column (1)* of the Table provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that falls within the range of amounts specified in *column (3)* of the Table opposite the same reference number, a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine, but shall instead be liable to a class B fine.

(3) Where an enactment enacted before the commencement date provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that—

(a) was provided for by virtue of a subsequent enactment enacted during a period specified in *column (2)* of the Table opposite a particular reference number specified in *column (1)* of the Table, and

(b) falls within the range of amounts specified in *column (3)* of the Table opposite the same reference number,

a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine but shall instead be liable to a class B fine.

TABLE

| Reference Number (1) | Period (2) | Range of amounts (3) |
|----------------------|--|---|
| 1. | 1 January 1997 to day immediately before commencement date | Not greater than €4,000 but greater than €2,500 |
| 2. | 1 January 1990 to 31 December 1996 | Not greater than €2,769 but greater than €1,731 |
| 3. | 1 January 1980 to 31 December 1989 | Not greater than €2,328 but greater than €1,455 |
| 4. | 1 January 1975 to 31 December 1979 | Not greater than €970 but greater than €606 |
| 5. | 1 January 1965 to 31 December 1974 | Not greater than €491 but greater than €307 |
| 6. | 1 January 1945 to 31 December 1964 | Not greater than €234 but greater than €147 |
| 7. | 1 January 1915 to 31 December 1944 | Not greater than €127 but greater than €79 |
| 8. | Period ending on 31 December 1914 | Not greater than €100 but greater than €50 |

Class C fines.

6.— (1) Where an enactment enacted on or after the commencement date provides that a person who commits an offence under that or any other enactment shall be liable, upon summary conviction, to a class C fine, the reference to class C fine shall be construed as a reference to class C fine within the meaning of this Part.

(2) Subject to *subsection (3)*, where an enactment enacted during a period specified in *column (2)* of the Table opposite a particular reference number specified in *column (1)* of the Table provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that falls within the range of amounts specified in *column (3)* of the Table opposite the same reference number, a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine, but shall instead be liable to a class C fine.

(3) Where an enactment enacted before the commencement date provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that—

(a) was provided for by virtue of a subsequent enactment enacted during a period specified in *column (2)* of the Table opposite a particular reference number specified in *column (1)* of the Table, and

(b) falls within the range of amounts specified in *column (3)* of the Table opposite the same reference number,

a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine but shall instead be liable to a class C fine.

TABLE

| Reference Number (1) | Period (2) | Range of amounts (3) |
|----------------------|--|---|
| 1. | 1 January 1997 to day immediately before commencement date | Not greater than €2,500 but greater than €1,000 |
| 2. | 1 January 1990 to 31 December 1996 | Not greater than €1,731 but greater than €692 |
| 3. | 1 January 1980 to 31 December 1989 | Not greater than €1,455 but greater than €582 |
| 4. | 1 January 1975 to 31 December 1979 | Not greater than €606 but greater than €242 |
| 5. | 1 January 1965 to 31 December 1974 | Not greater than €307 but greater than €123 |
| 6. | 1 January 1945 to 31 December 1964 | Not greater than €147 but greater than €59 |
| 7. | 1 January 1915 to 31 December 1944 | Not greater than €79 but greater than €32 |
| 8. | Period ending on 31 December 1914 | Not greater than €50 but greater than €25 |

Class D fines.

7.— (1) Where an enactment enacted on or after the commencement date provides that a person who commits an offence under that or any other enactment shall be liable, upon summary conviction, to a class D fine, the reference to class D fine shall be construed as a reference to class D fine within the meaning of this Part.

(2) Subject to *subsection (3)*, where an enactment enacted during a period specified in *column (2)* of the Table opposite a particular reference number specified in *column (1)* of the Table provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that falls within the range of amounts specified in *column (3)* of the Table opposite the same reference number, a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine, but shall instead be liable to a class D fine.

(3) Where an enactment enacted before the commencement date provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that—

(a) was provided for by virtue of a subsequent enactment enacted during a period specified in *column (2)* of the Table opposite a particular reference number specified in *column (1)* of the Table, and

(b) falls within the range of amounts specified in *column (3)* of the Table opposite the same reference number,

a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine but shall instead be liable to a class D fine.

TABLE

| Reference Number (1) | Period (2) | Range of amounts (3) |
|----------------------|--|---|
| 1. | 1 January 1997 to day immediately before commencement date | Not greater than €1,000 but greater than €500 |
| 2. | 1 January 1990 to 31 December 1996 | Not greater than €692 but greater than €346 |
| 3. | 1 January 1980 to 31 December 1989 | Not greater than €582 but greater than €291 |
| 4. | 1 January 1975 to 31 December 1979 | Not greater than €242 but greater than €121 |
| 5. | 1 January 1965 to 31 December 1974 | Not greater than €123 but greater than €61 |
| 6. | 1 January 1945 to 31 December 1964 | Not greater than €59 but greater than €29 |
| 7. | 1 January 1915 to 31 December 1944 | Not greater than €32 but greater than €16 |

| Reference Number (1) | Period (2) | Range of amounts (3) |
|-------------------------|-----------------------------------|--|
| 8. | Period ending on 31 December 1914 | Not greater than €25 but greater than €6 |

Class E fines.

8.— (1) Where an enactment enacted on or after the commencement date provides that a person who commits an offence under that or any other enactment shall be liable, upon summary conviction, to a class E fine, the reference to class E fine shall be construed as a reference to class E fine within the meaning of this Part.

(2) Subject to *subsection (3)*, where an enactment enacted during a period specified in *column (2)* of the Table opposite a particular reference number specified in *column (1)* of the Table provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that falls within the range of amounts specified in *column (3)* of the Table opposite the same reference number, a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine, but shall instead be liable to a class E fine.

(3) Where an enactment enacted before the commencement date provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that—

(a) was provided for by virtue of a subsequent enactment enacted during a period specified in *column (2)* of the Table opposite a particular reference number specified in *column (1)* of the Table, and

(b) falls within the range of amounts specified in *column (3)* of the Table opposite the same reference number,

a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine but shall instead be liable to a class E fine.

TABLE

| Reference Number (1) | Period (2) | Range of amounts (3) |
|-------------------------|--|-------------------------|
| 1. | 1 January 1997 to day immediately before commencement date | Not greater than €500 |
| 2. | 1 January 1990 to 31 December 1996 | Not greater than €346 |
| 3. | 1 January 1980 to 31 December 1989 | Not greater than €291 |
| 4. | 1 January 1975 to 31 December 1979 | Not greater than €121 |
| 5. | 1 January 1965 to 31 December 1974 | Not greater than €61 |
| 6. | 1 January 1945 to 31 December 1964 | Not greater than €29 |
| 7. | 1 January 1915 to 31 December 1944 | Not greater than €16 |
| 8. | Period ending on 31 December 1914 | Not greater than €6 |

Increase in amount of certain fines upon conviction on indictment.

9.— (1) Subject to *subsection (2)*, where the maximum fine upon conviction on indictment of an offence is specified in an enactment that was enacted during a period specified in *column (2)* of the Table opposite a particular reference number specified in *column (1)* of the Table, a person who commits that offence after the commencement date shall not be liable to that fine, but shall, instead, be liable, upon conviction on indictment, to a fine not exceeding an amount calculated by multiplying

the said maximum fine by the multiplier specified in *column (3)* of the Table opposite the same reference number.

(2) Where the maximum fine upon conviction on indictment of an offence specified in an enactment was provided for by virtue of a subsequent enactment that was enacted during a period specified in *column (2)* of the Table opposite a particular reference number specified in *column (1)* of the Table, a person who commits that offence after the commencement date shall not be liable to that fine, but shall, instead, be liable, upon conviction on indictment, to a fine not exceeding an amount calculated by multiplying the said maximum fine by the multiplier specified in *column (3)* of the Table opposite the same reference number.

TABLE

| Reference Number (1) | Period (2) | Multiplier (3) |
|-------------------------|------------------------------------|-------------------|
| 1. | 1 January 1990 to 31 December 1996 | 1.75 |
| 2. | 1 January 1980 to 31 December 1989 | 2 |
| 3. | 1 January 1975 to 31 December 1979 | 5 |
| 4. | 1 January 1965 to 31 December 1974 | 10 |
| 5. | 1 January 1945 to 31 December 1964 | 21 |
| 6. | 1 January 1915 to 31 December 1944 | 39 |
| 7. | Period ending on 31 December 1914 | 50 |

Summary trial of indictable offences.

10.— (1) Section 4(1) (amended by section 17 of the Act of 1984) of the Criminal Justice Act 1951 is amended by the substitution of “class A fine within the meaning of *Part 2* of the *Fines Act 2010*” for “fine not exceeding £1,000”.

(2) Section 13(3)(a) (amended by section 17 of the Act of 1984) of the Criminal Procedure Act 1967 is amended by the substitution of “class A fine within the meaning of *Part 2* of the *Fines Act 2010*” for “fine not exceeding £1,000”.

(3) Section 53(2) of the Criminal Justice (Theft and Fraud Offences) Act 2001 is amended by the substitution of “class A fine within the meaning of *Part 2* of the *Fines Act 2010*” for “fine not exceeding £1,500”.

(4) In this section “Act of 1984” means the Criminal Justice Act 1984.

Regulations to remove difficulties.

11.— (1) If, in any respect, any difficulty arises in bringing any provision of this Part into operation or in relation to the operation of any such provision, the Minister may, by regulations, do anything which appears to him or her to be necessary or expedient for removing that difficulty, for bringing that provision into operation or for securing or facilitating its operation, and any such regulations may modify any provision of this Part so far as may be necessary or expedient for carrying such provision into effect for the purposes aforesaid, but no regulations shall be made under this section in relation to any provision of this Part after the expiration of 3 years commencing on the day on which the provision came into operation.

(2) Where regulations are proposed to be made under this section, a draft of the regulations shall be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving the draft has been passed by each such House.

PART 3

PAYMENT AND RECOVERY OF FINES

Definitions. **12.—F1[...]**

Annotations**Amendments:**

F1 Repealed (11.01.2016) by *Fines (Payment and Recovery) Act 2014 (7/2014)*, s. 4, S.I. No. 6 of 2016.

Service of documents. **13.—F2[...]**

Annotations**Amendments:**

F2 Repealed (11.01.2016) by *Fines (Payment and Recovery) Act 2014 (7/2014)*, s. 4, S.I. No. 6 of 2016.

Capacity of person to pay fine. **14.—F3[...]**

Annotations**Amendments:**

F3 Repealed (11.01.2016) by *Fines (Payment and Recovery) Act 2014 (7/2014)*, s. 4, S.I. No. 6 of 2016.

Payment of fines by instalments. **15.—F4[...]**

Annotations**Amendments:**

F4 Repealed (11.01.2016) by *Fines (Payment and Recovery) Act 2014 (7/2014)*, s. 4, S.I. No. 6 of 2016.

Appointment of receiver in default of payment of fine. **16.—F5[...]**

Annotations**Amendments:**

F5 Repealed (11.01.2016) by *Fines (Payment and Recovery) Act 2014 (7/2014)*, s. 4, S.I. No. 6 of 2016.

Monies recovered by receiver under section 16. **17.—F6[...]**

Annotations**Amendments:**

F6 Repealed (11.01.2016) by *Fines (Payment and Recovery) Act 2014 (7/2014)*, s. 4, S.I. No. 6 of 2016.

Community service order in default of payment of fine. **18.—F7[...]**

Annotations**Amendments:**

F7 Repealed (11.01.2016) by *Fines (Payment and Recovery) Act 2014 (7/2014)*, s. 4, S.I. No. 6 of 2016.

Imprisonment in default of payment of fine. **19.—F8[...]**

Annotations**Amendments:**

F8 Repealed (11.01.2016) by *Fines (Payment and Recovery) Act 2014 (7/2014)*, s. 4, S.I. No. 6 of 2016.

Approval by Government of persons for purposes of section 16. **20.—F9[...]**

Annotations**Amendments:**

F9 Repealed (11.01.2016) by *Fines (Payment and Recovery) Act 2014 (7/2014)*, s. 4, S.I. No. 6 of 2016.

Publication of list of names of persons who fail to pay fines on time. **21.—F10[...]**

Annotations

Amendments:

F10 Repealed (11.01.2016) by *Fines (Payment and Recovery) Act 2014 (7/2014)*, s. 4, S.I. No. 6 of 2016.

Repeal.

22.—F11[...]

Annotations

Amendments:

F11 Repealed (11.01.2016) by *Fines (Payment and Recovery) Act 2014 (7/2014)*, s. 4, S.I. No. 6 of 2016.