

Department of Justice (NI) – Northern Ireland Courts and Tribunals (NICTS)

Statement for module 7 of the UK Covid 19 Inquiry

[M07-CTSNI-001]

June 2025

Background

1. I am Glyn Capper, and I have held the post of Director of the Northern Ireland Courts and Tribunals Service (NICTS) since 27 July 2021. Those in the equivalent post during the relevant period also included Peter Luney (Chief Operating Officer) 1 January 2020 to 2 August 2020 and Anthony Harbinson (Director) 3 August 2020 to 26 July 2021. Naomi Long MLA was Justice Minister ('the Minister, Minister Long, the Minister of Justice') from January 2020 until the collapse of the Northern Ireland (NI) Executive on 28 October 2022.

Structure, roles and responsibilities of the NICTS

2. The Department was established in April 2010, on the devolution of policing and justice matters from Westminster to the NI Executive. The Department's functions are set out in the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010. These include functions transferred from the Northern Ireland Office and the former Northern Ireland Court Service. The Department is responsible for the resourcing, legislative and policy framework of the justice system. The Department is currently organised into four directorates, a cross-Executive programme and five Executive Agencies.
3. **NICTS** is responsible, on behalf of the Department, for:
 - supporting an independent Judiciary, Northern Ireland's courts, the majority of Northern Ireland's tribunals, the Coroners Service of Northern Ireland and the delivery of legacy inquests through the Legacy Inquest Unit;
 - enforcing civil court judgments through the Enforcement of Judgments Office;
 - collecting and enforcing outstanding financial penalties imposed (or registered) by a criminal court through the Fine Collection and Enforcement Service;
 - managing funds held in court on behalf of minors and patients; and
 - advising the DoJ and Minister of Justice on matters relating to the operation of NICTS.
 - NICTS also provides administrative support to the Parole Commissioners for Northern Ireland and the Historical Institutional Abuse (HIA) Redress Board and sponsors the Planning Appeals Commission and Water Appeals Commission.
4. The Department's principal responsibilities (discharged by NICTS) in this regard are set out in sections 68A and 69 of the Judicature (Northern Ireland) Act 1978.
5. Annex A of the NICTS Business Plan 2021-22 **(Exhibit GC-7/01 - INQ000531892)** sets out the courts and tribunals supported by NICTS alongside related business areas, which includes the Enforcement of Judgments Office & Fine Collection Service.

NICTS Role in respect of Fixed Penalty Notice – Payment and Fine Enforcement

6. COVID-19 penalty notices were introduced following commencement of the public health emergency legislation by the Department of Health on 28 March 2020, creating a new type of temporary penalty notice for offences which breached COVID-19 restrictions. At different stages, modifications were made to the legislation that resulted in additional offences being added and different financial penalties imposed during the pandemic.
7. NICTS acts as an agent for the NI Consolidated Fund (NICF) and is responsible for the collection of revenue from monetary penalties imposed each year by the Judiciary, the Police Service of Northern Ireland (PSNI) and the Driver and Vehicle Agency (DVA). These impositions include fixed penalty notices (FPNs), penalty notices, court imposed monetary penalties (namely fines, extra costs, other party costs, compensation for victims of crime, offender levy, and confiscation orders). The revenue collected is payable to either the NICF or other third parties who are typically other government departments and victims of crime, who have been awarded compensation by the court.
8. The easing of COVID-19 restrictions announced in February 2022 and the rescinding of the legislation effectively halted the imposition of COVID-19 penalty notices. However, the collection process for the amounts previously imposed continued. COVID-19 penalty notices followed the normal penalty notice process and if not paid within the 28-day period they could be registered as a court fine. If the fine remained unpaid, it could proceed to NICTS Fine Collection and Enforcement Service (FCS) for recovery.
9. The FCS came into operation on 1 June 2018. The FCS team within NICTS comprises of dedicated collection officers who provide advice to debtors and collect/enforce outstanding financial penalties imposed (or registered) by a criminal court where a collection order has been made.
10. Where a court makes a collection order, collection officers have a range of powers to collect and enforce outstanding financial penalties. These powers include granting instalment orders or allowing additional time to pay, applying for deductions from benefits, making attachment of earnings orders, freezing money in a debtor's bank account, and recommending to the court that a bank account or vehicle seizure order be granted.
11. The underpinning legislation (The Justice Act NI 2016) required that Statutory Guidance be published to explain the collection order and its operation, the role of the collection officer, what penalties are included, the collection and enforcement orders, court powers,

offences and appeals (Exhibit GC-7C/02 - [INQ000588288]). A comprehensive Equality Assessment and Regulatory Impact Assessment was developed and consulted on in advance of the legislation commencing and the Statutory Guidance taking effect.

12. NICTS had no role in structuring the specific challenge, review or appeal procedures regarding Covid FPNs. The drafting of the legislation was a matter for the Department of Health. The Covid FPN payment and fine default processes applied by NICTS followed standard fixed penalty procedures. NICTS issued specific staff instructions to ensure internal compliance (Exhibit GC-7C/03 - [INQ000588287]). NICTS does not provide guidance to the independent judiciary, this is a matter for the Lady Chief Justice's Office and delivered by the Judicial Studies Board within that office.
13. Decisions regarding the issuing of Covid FPNs was a matter for the PSNI, with prosecutions being taken forward by the Public Prosecution Service (PPS) and appeal decisions being a matter for the court and decided upon by the independent judiciary. NICTS does not have a role in the oversight of the PSNI, which is a matter for the Northern Ireland Policing Board. The PPS is established as a non-ministerial government department.

Planning prior to the pandemic

14. The Departmental Board had its first discussion on Covid-19 at its meeting on 27 February 2020. A copy of the minutes is provided (Exhibit GC-7C/06 - [INQ000531921]). The Departmental Board at that time consisted of the following senior civil servants: Peter May (Permanent Secretary and Chair), Deborah Brown (Director, Justice Delivery), Ronnie Armour (Director, Reducing Offending), Anthony Harbinson (Director, Access to Justice) and Julie Harrison (Director, Safer Communities). There were also two non-Executive Board members: Clarke Black and Heather Bailey. At that meeting, the Board agreed three actions in relation to Coronavirus contingency planning:
 - the scheduling of a desk top exercise (which took place) on 12 March as part of the Department's business continuity plans;
 - that local business continuity plans should be reviewed and, where necessary, updated; and
 - a Departmental group on Coronavirus Contingency Planning should be established.

15. The NICTS business continuity plan was called “Business Continuity Planning: Gold and Silver Team Plan” (Exhibit GC-7C/10 - [INQ000531890]). The version current at the start of the specified period had last been revised in January 2019.
16. NICTS began to actively plan its response to the pandemic on 3 March 2020. At this point, the NICTS Senior Management Team decided that business continuity plans, including pandemic flu plans, should be refreshed and that all third-party contractors to NICTS were required to have business continuity plans in place
17. The NICTS Emergency Response Team first met on 10 March 2020. At that first meeting, it was confirmed that Gold and Silver Business Continuity Plans had been reviewed. At that meeting all NICTS Business Managers were asked to update Pandemic Flu Plans. The updated plan for the FCS is provided as an example [Exhibit GC-7C/04 - [INQ000588286]].
18. The Justice Minister made a written Ministerial statement to the Northern Ireland Assembly on the Department’s response to Coronavirus on 16 March 2020 (Exhibit GC-7C/07 - [INQ000409342]) and another on 23 March 2020 (Exhibit GC-7C/08 - INQ000426984). The statements are not specific to the NICTS functions in relation to the collection of FPN fines or the associated fine default FCS function.
19. On 17 March 2020 the (then) Lord Chief Justice issued directions to limit the scope of any risk to health while maintaining access to justice. The directions indicated that Judges would not require the attendance at court of persons who did not need to be there or who expressed individual concerns. By way of example:
- a. applications for adjournments would be dealt with administratively by way of correspondence in writing or by e-mail;
 - b. consent orders would also be made without the attendance of the parties; and
 - c. no jury trials would take place for an indefinite period, pending consideration of Public Health Agency (PHA) guidance and advice in terms of social distancing requirements.
20. On 24 March 2020, a decision was made to close a number of physical court buildings and consolidate business into five hubs. The hubs (and the Courts and Tribunals they were each covering) were:

- The Royal Courts of Justice (Belfast) – High Court business and Tribunal Hearing Centre;
- Laganside, Belfast – also dealing with Ballymena, Antrim, Newtownards, Downpatrick business;
- Lisburn – also dealing with Craigavon, Armagh, Newry, Banbridge business;
- Dungannon – also dealing with Omagh, Enniskillen, Strabane business; and
- Londonderry – also dealing with Magherafelt, Limavady, Coleraine business.

21. FCS was operational from within the Laganside, Belfast Hub with FPN payments being processed by the NICTS Customer Service Centre, based in the Londonderry Hub.

Legislative Framework

22. Responsibility for the development and making of secondary legislation falls to the Northern Ireland Department with the power to make such legislation.

23. However, the inclusion of offences and penalties in any secondary legislation makes that legislative instrument a cross-cutting matter, with the result that Executive approval is required for the making of that instrument.

24. In such circumstances, the Department of Justice can advise on whether any proposed offences or penalties are proportionate and consistent with the existing law for Northern Ireland. This function is, however, limited to offences that will be tried by the Courts and which could, consequently, result in court-imposed penalties. This is because the Department's concern, in any secondary legislation that is to be made by another Department, is to ensure that the proposed legislation does not have a detrimental impact on court business and the justice system.

25. DoJ does not provide the same advisory role where legislative provision is made for fixed penalty notices ("FPNs") as, by design, they are an alternative to prosecution, intended to divert low level offending away from the Courts. One of the main benefits of an FPN regime is that where a person accepts a FPN and pays it within the stipulated period, the FPN is not considered a conviction and so is not recorded on a person's criminal record.

26. In the specific context of Covid-related regulations, DoJ did not input where the regulations prescribed a FPN regime and would only have had input where criminal

offences and penalties were contemplated. Consequently, NICTS had no role with regard to the legislative framework and provided a supporting administrative function, which already existed in the wider FPN context.

FPN Data specific to Covid 19 Related Offences

27. Each year NICTS is required to publish a Trust Statement, which is laid before the Northern Ireland Assembly. The Trust Statement provides a statement of purposes and activities and reflects the cash flows associated with the imposition and collection of fines and monetary penalties. It reflects the income due from the fines and monetary penalties imposed during the period, the expenditure incurred in the administration and collection of these; the third-party bodies to which the funds are payable; and the balance owing to the NICF at the year end. Provision for uncollectible amounts is accounted for in accordance with International Financial Reporting Standard (IFRS) 9: Financial Instruments.

28. The Trust Statement also reflects the complex interdependencies between NICTS and several other departments and agencies, including PSNI and the PPS, who work together to collect and enforce the payments due from offenders relating to the financial impositions which NICTS, PSNI and DVA impose. The Statement incorporates data relating to FPNs **(Exhibit GC-7C/05 - INQ000588289)** and underpins the data provided in the following paragraphs.

29. Table A below sets out for each relevant year the total number of **FPNs received by NICTS from PSNI for money collection purposes.**

Year	Total	Covid 3 FPNs (Failure to Isolate)	Covid 8 FPNs (Failure to self-isolate or book a test after returning from abroad)
2020	3676	50	0
2021	5158	11	22
2022	10	0	0
TOTAL	8844	61	22

Table A: Source: NICTS Management Information from the Court Case Management System

30. Table B below sets out the breakdown of **multiple Covid FPNs** which were the subject of monetary collection by NICTS during the relevant period.

Number of FPNs	Number of Persons	Percentage
1	7,669	93.48%
2	462	5.63%
3	52	0.63%
4	17	0.21%
5	0	0.00%
6	2	0.02%
7	1	0.01%
8	1	0.01%
Total	8,204	100.00%

Table B: Source: NICTS Management Information from the Court Case Management System

31. Of the 8844 FPNs issued by PSNI, 911 progressed to fine default during the relevant period totalling £247,170 in unpaid fines. As the majority of fines reverted to instalment order payments none of the 911 cases were paid in full during the relevant period up to 28 June 2022. During the relevant period a total of £75,508 was collected in relation to the covid fine default cases with £171,662 outstanding at 28 June 2022.
32. The 911 fine default cases can be broken down as follows with regard to the split between one-off fines and multiple fines:
- One Covid FPN Collection Order – 741 individuals
 - Two Covid FPN Collection Orders – 118 individuals
 - Three Covid FPN Collection Orders – 30 individuals
 - Four Plus Covid FPN Collection Orders – 22 individuals

33. With regard to court appeals against Covid FPNs, the process provides for an individual issued with a FPN to challenge the FPN and ask to be tried in the normal way, however the NICTS courts case management system cannot identify that the case before the court originated by way of an FPN as it references either a charge sheet or summons case with an offence under the relevant legislation and is not specific to a Covid FPN identifier. Further details on the specifics of court prosecutions may be made available by the PPS as the relevant prosecuting authority.
34. Regarding cancelled FPNs, NICTS can confirm that in July 2021 the PSNI notified NICTS that 72 Covid Penalty Notices relating to persons in attendance or seeking to attend events at Custom House Square (Belfast) and Guildhall (Londonderry) should be refunded and any outstanding warrants cancelled. NICTS took the appropriate administrative action to address the instruction issued by PSNI but was not involved in the decision-making process.
35. There was no analysis undertaken by NICTS of payments made specific to Covid FPNs when compared with non-Covid FPNs nor the fine default process, as this was not requested by the issuing authority (PSNI), the prosecuting authority (PPS), nor was it required in the context of the legislation which supported the introduction of Covid FPNs. Furthermore, the fine default procedure is prescribed in legislation and supported by Statutory Guidance, which applies equally to all fine default cases and was not specific to Covid FPNs.

General assessment during the specified period and lessons learned

36. The introduction of live links to facilitate remote court and tribunal hearings at the start of the pandemic was essential to maintain court and tribunal business during the first and subsequent lockdowns. Originally intended as a short-term pandemic related measure, it has demonstrated significant wider value to all court users, including to children and young adults, particularly those with vulnerabilities. Because of this, the legislation enabling live links has been extended on several occasions, following consultation with stakeholders.
37. The first of these consultations took place between November 2021 and January 2022, with a report on the summary of responses to consultation, entitled "Report on the Use of Live Links for Remote Hearings", published on the Department's website on 28 January 2022 (Exhibit GC-7C/05 - INQ000588289) Twenty five organisations responded to this

consultation. The majority, including in particular those specifically working with children or victims engaged in court proceedings, were positive about the process and wanted to see live links integrated into court procedures into the longer-term. The use of live links was seen to reduce anxiety and waiting time for children and to be of particular benefit to vulnerable children, including in tribunals dealing specifically with children who have special educational needs.

38. The second consultation took place between 29 July and 26 September 2022. This received 38 responses and the report on the summary of responses to consultation, entitled "Audio and Video Links (Live Links) for Northern Ireland Court and Tribunal Hearings: Summary of Consultation Response", was published on the Department's website on 13 March 2023 (Exhibit GC-7C/04 - INQ000588286). In relation to children, it referenced the value of Remote Evidence Centres in "providing a safe location for the giving of evidence as well as reducing or removing the need for children to attend courts for the use of live links." This report also took cognisance of the research conducted by NISRA on behalf of NICTS called "NICTS: Remote and Hybrid Hearings – a qualitative analysis", (Exhibit GC-7C/09 - INQ000531894) and published on the Department's website in December 2022. Stakeholder feedback for the NISRA report emphasised the benefits for children in remote hearings, particularly in reducing anxiety and stress.
39. The third consultation took place during June and July 2023, with the report on the summary of responses to consultation, entitled "Extending the use of live links in courts and tribunals in Northern Ireland – September 2023 and beyond," published on the Department's website on 3 November 2023 (Exhibit GC-7C/13 - INQ000531895). The majority of consultees, including in particular those specifically working with children or victims engaged in court proceedings, were positive about the wider use of live links. The use of live links for children, whether as witnesses or young offenders, was considered a more positive experience than attending in-person the court or court building. Two observations made in different responses reflect this feedback: it "enabled a more child centred approach as young witnesses avoid any risk of meeting a defendant" and it "reduces disruption to the education of young offenders while also allowing them access to support staff."
40. Taking account of these consultations, on 10 September 2024, the Justice Minister published a paper on the Department's website entitled "Audio and Video Links (Live Links) for Northern Ireland Court and Tribunal Hearings: Way Forward" (Exhibit GC-7C/14 - INQ000531898). This focused on plans to embed live links as an effective option

for the conduct of court and tribunal hearings into the longer-term, including proposed legislative changes to address issues raised during consultation. The learning from using live links has also informed the development of the NICTS Digital Strategy, which is a key part of the overarching NICTS Vision 2030 Modernisation Programme. This programme is seeking to modernise the administration of courts and tribunals in Northern Ireland with a particular focus on estates and technology.

41. NICTS had a pandemic influenza contingency plan in place well before January 2020. This enabled the agency to respond quickly to the emerging Covid pandemic and put effective infection control measures in place promptly. Having pandemic contingency plans in place, along with recovery plans, also helped the agency to adapt more quickly to the frequently changing nature of the pandemic.
42. The controls put in place by NICTS ensured, for example, that from the recommencement of jury trials in August 2020, no jury trials were adjourned or paused as a result of Covid-related infection.
43. There are no lessons learned outcomes which applied specifically to Covid FPNs as the NICTS administrative function is limited to the collection of fines imposed by PSNI, with no decision making or discretionary powers in this regard and the collection of fines which fall into default and are subject to a court directed collection order. The fine default procedure is prescribed in legislation and supported by Statutory Guidance, which applies equally to all fine default cases and was not specific to Covid FPNs.

Statement of truth

I believe that the facts in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signature:

Personal Data

Date: 6 June 2025