

The Indexation of Fines

In October 1991, the Commission published a Report on [*The Indexation of Fines \(LRC 37-1991\)*](#), following a 1987 request by the Attorney General.

An inevitable consequence of the absence of regular and systematic law reform is the fact that the monetary penalties, fixed when offences were originally created, are apt to become eroded by inflation sometimes to the point of irrelevance. Many penalties have been fixed for over fifty years in respect of offences prosecuted daily in the Courts and it tends to be demoralizing for the Courts to be tied to such insignificant sanctions in imposing sentence. The need to update all penalties, to link them to an index and to maintain their value constant was obvious. The Report explored how this might be done and examined different approaches. The Commission also took the opportunity to explore the feasibility of introducing a variable, means-related, fines system such as has been introduced in other countries.

Section I of the Report fleshed out in greater detail the problems and possible solutions. Section II examined the means by which fine values could be indexed to inflation. Section III discussed the features, advantages and disadvantages of standard fine systems and Section IV similarly addressed variable fine systems. In all cases, experience in other countries was adverted to, while remaining mindful of the unique features of the Irish Constitution and criminal justice system.

The report made 7 main recommendations among which were:

- (1) The adoption of a standard fines system;
- (2) The adoption of the Consumer Price Index as the appropriate index for a standard fine system;
- (3) The establishment of up to five categories or bands of fine values extending retrospectively to embrace equivalent bands of fine values for earlier periods (so that a band with a present maximum of £100 would include fines of up to £5 created in the period 1915-44, of up to £10 from 1945-64 and so on); and
- (4) The regular updating of category levels by statutory instrument.

Draft Legislation in Report

Draft legislative provisions were included in the Report.

Information on Implementation

Recommendations of the Commission were implemented by the *Fines Act 2010*.