



# Criminal Proceedings etc. (Reform) (Scotland) Act 2007

2007 asp 6

## PART 3

### PENALTIES

#### *Enforcement of fines etc.*

#### **56 Recognition of EU financial penalties**

- (1) The Scottish Ministers may by order make provision for the purposes of and in connection with implementing any obligations of the United Kingdom created by or arising under the Framework Decision (so far as they have effect in or as regards Scotland).
- (2) The provision may, in particular, confer functions—
  - (a) on the Scottish Ministers,
  - (b) on other persons.
- (3) The provision—
  - (a) must relate to fines and other financial penalties imposed by a court on conviction of an offence,
  - (b) may relate to financial penalties which are—
    - (i) accrued otherwise than on conviction of an offence, and
    - (ii) on default, enforced in the same manner as fines imposed by a court.
- (4) The provision may not relate to—
  - (a) orders for the confiscation of instrumentalities or proceeds of crime,
  - (b) orders of a civil nature which—
    - (i) arise out of a claim for damages and restitution, and
    - (ii) are enforceable in accordance with Council Regulation (EC) No 44/2001 of 22 December 2000 (as amended) on jurisdiction and the recognition of judgements in civil and commercial matters.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Expressions used in subsections (3) and (4) and in the Framework Decision are to be construed in accordance with that Decision.
- (6) In this section, “the Framework Decision” is Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties.