

SCHEDULES

SCHEDULE 18

Section 91(1)

PENALTIES SUITABLE FOR ENFORCEMENT IN ENGLAND AND WALES OR NORTHERN IRELAND

Person residing in England and Wales

- 1 The financial penalty is suitable for enforcement in England and Wales if the certificate states that the person required to pay the penalty is normally resident in England and Wales.

Person residing in Northern Ireland

- 2 The financial penalty is suitable for enforcement in Northern Ireland if the certificate states that the person required to pay the penalty is normally resident in Northern Ireland.

Person having property etc. in England and Wales

- 3 The financial penalty is suitable for enforcement in England and Wales if—
- (a) the certificate states that the person required to pay the penalty has property or a source of income in England and Wales, and
 - (b) the certificate does not state—
 - (i) that the person has property or a source of income in Northern Ireland or Scotland, or
 - (ii) that the person is normally resident in the United Kingdom.

Person having property etc. in Northern Ireland

- 4 The financial penalty is suitable for enforcement in Northern Ireland if—
- (a) the certificate states that the person required to pay the penalty has property or a source of income in Northern Ireland, and
 - (b) the certificate does not state—
 - (i) that the person has property or a source of income in England and Wales or Scotland, or
 - (ii) that the person is normally resident in the United Kingdom.

Person having property etc. in England and Wales and Northern Ireland

- 5 (1) This paragraph applies if—
- (a) the certificate states that the person required to pay the financial penalty has property or a source of income in England and Wales,
 - (b) the certificate also states that the person has property or a source of income in Northern Ireland, and
 - (c) the certificate does not state—

Status: This is the original version (as it was originally enacted).

- (i) that the person has property or a source of income in Scotland, or
 - (ii) that the person is normally resident in the United Kingdom.
- (2) The financial penalty is suitable for enforcement in England and Wales unless it is suitable for enforcement in Northern Ireland by virtue of sub-paragraph (3).
- (3) The financial penalty is suitable for enforcement in Northern Ireland if the Lord Chancellor thinks that it is more appropriate for the penalty to be enforced in Northern Ireland than in England and Wales.

Person having property etc. in England and Wales and Scotland

- 6 (1) This paragraph applies if—
- (a) the certificate states that the person required to pay the financial penalty has property or a source of income in England and Wales,
 - (b) the certificate also states that the person has property or a source of income in Scotland, and
 - (c) the certificate does not state—
 - (i) that the person has property or a source of income in Northern Ireland, or
 - (ii) that the person is normally resident in the United Kingdom.
- (2) The financial penalty is suitable for enforcement in England and Wales unless sub-paragraph (3) applies.
- (3) This sub-paragraph applies if—
- (a) the Lord Chancellor was given the certificate by the competent authority or central authority of another member State (and not by the central authority for Scotland), and
 - (b) the Lord Chancellor thinks that it is more appropriate for the financial penalty to be enforced in Scotland than in England and Wales.

Person having property etc. in Northern Ireland and Scotland

- 7 (1) This paragraph applies if—
- (a) the certificate states that the person required to pay the financial penalty has property or a source of income in Northern Ireland,
 - (b) the certificate also states that the person has property or a source of income in Scotland, and
 - (c) the certificate does not state —
 - (i) that the person has property or a source of income in England and Wales, or
 - (ii) that the person is normally resident in the United Kingdom.
- (2) The financial penalty is suitable for enforcement in Northern Ireland unless sub-paragraph (3) applies.
- (3) This sub-paragraph applies if—
- (a) the Lord Chancellor was given the certificate by the competent authority or central authority of another member State (and not by the central authority for Scotland), and

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

- (b) the Lord Chancellor thinks that it is more appropriate for the financial penalty to be enforced in Scotland than in Northern Ireland.

Person having property etc. in England and Wales, Scotland and Northern Ireland

- 8
- (1) This paragraph applies if—
 - (a) the certificate states that the person required to pay the financial penalty has property or a source of income in Northern Ireland,
 - (b) the certificate also states that the person has property or a source of income in England and Wales and in Scotland, and
 - (c) the certificate does not state that the person is normally resident in the United Kingdom.
 - (2) The financial penalty is suitable for enforcement in England and Wales unless—
 - (a) the penalty is suitable for enforcement in Northern Ireland by virtue of sub-paragraph (3) or (4), or
 - (b) sub-paragraph (5) applies.
 - (3) The financial penalty is suitable for enforcement in Northern Ireland if—
 - (a) the Lord Chancellor was given the certificate by the competent authority or central authority of another member State (and not by the central authority for Scotland), and
 - (b) the Lord Chancellor thinks that it is more appropriate for the financial penalty to be enforced in Northern Ireland than in England and Wales or Scotland.
 - (4) The financial penalty is suitable for enforcement in Northern Ireland if—
 - (a) the Lord Chancellor was given the certificate by the central authority for Scotland, and
 - (b) the Lord Chancellor thinks that it is more appropriate for the financial penalty to be enforced in Northern Ireland than in England and Wales.
 - (5) This sub-paragraph applies if—
 - (a) the Lord Chancellor was given the certificate by the competent authority or central authority of another member State (and not by the central authority for Scotland), and
 - (b) the Lord Chancellor thinks that it is more appropriate for the financial penalty to be enforced in Scotland than in England and Wales or Northern Ireland.

Interpretation

- 9
- Where the person required to pay the financial penalty is a body corporate, this Schedule applies as if—
 - (a) the reference in paragraph 1 to the person being normally resident in England and Wales were a reference to the person having its registered office in England and Wales,
 - (b) the reference in paragraph 2 to the person being normally resident in Northern Ireland were a reference to the person having its registered office in Northern Ireland, and

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

- (c) any reference to the person being normally resident in the United Kingdom were a reference to the person having its registered office in the United Kingdom.