
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2009 No.

**The Mutual Recognition of Criminal Financial
Penalties in the European Union (Scotland) Order 2009**

**PART I
GENERAL**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Mutual Recognition of Criminal Financial Penalties in the European Union (Scotland) Order 2009 and comes into force on 12th October 2009.

(2) In this Order “the Framework Decision on financial penalties” is Council Framework Decision 2005/214/JHA of 24th February 2005 on the application of the principle of mutual recognition to financial penalties⁽¹⁾.

Application

2.—(1) The amendments to the Criminal Procedure (Scotland) Act 1995 made by this Order apply only in relation to financial penalties—

- (a) which were imposed by a court on conviction; or
- (b) accrued otherwise than on conviction of an offence and, on default, enforced in the same manner as fines imposed by a court,

on or after 1st October 2008.

(2) In this article, “financial penalty” where—

- (a) that penalty is one to which section 223A of the Criminal Procedure (Scotland) Act 1995⁽²⁾ applies, has the meaning given in subsection (5) of that section;
- (b) that penalty is one to which section 223F of the Criminal Procedure (Scotland) Act 1995⁽³⁾ applies, has the meaning given in Article 1(b) of the Framework Decision on financial penalties.

⁽¹⁾ O.J. L 76, 22.3.05, p.16.

⁽²⁾ 1995 c.46; section 223A is inserted by article 3 of this Order.

⁽³⁾ 1995 c.46; section 223F is inserted by article 3 of this Order.