
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 322

**The Mutual Recognition of Criminal Financial Penalties
in the European Union (Scotland) (No. 1) Order 2014**

Amendment of the Criminal Procedure (Scotland) Act 1995

4. After section 223F insert—

“Requests from other member States: procedure where no certificate

223FA.—(1) Subsection (2) applies where—

- (a) a requesting authority has—
 - (i) given the central authority for Scotland a decision, or a certified copy of a decision, requiring payment of a financial penalty; and
 - (ii) asked that the decision be enforced in any part of the United Kingdom under the Framework Decision on financial penalties; and
- (b) the central authority for Scotland has not been given anything purporting to be a certificate relating to the decision.

(2) The central authority for Scotland must immediately notify the requesting authority that the decision will not be enforced in Scotland unless a certificate relating to the decision is given to the central authority for Scotland.

(3) For the purpose of this section, a requesting authority is to be treated as having given a decision, or a certified copy of a decision, requiring payment of a financial penalty to the central authority for Scotland if—

- (a) the requesting authority gave the decision, or the certified copy, to—
 - (i) the central authority for England and Wales; or
 - (ii) the central authority for Northern Ireland; and
- (b) the central authority given the decision, or the certified copy, by the requesting authority—
 - (i) has not taken any action to enforce the financial penalty; and
 - (ii) has given the decision, or the certified copy, to the central authority for Scotland.

(4) In this section, “requesting authority” means the competent authority, or central authority, of a member State other than the United Kingdom.”