



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XI

#### SENTENCING

*[<sup>F1</sup>The mutual recognition of criminal financial penalties]*

#### **[<sup>F1</sup>223A Recognition of financial penalties: requests to other member States]**

- (1) The designated officer of the competent authority for Scotland may issue a certificate, in a form prescribed by Act of Adjournal, requesting enforcement under the Framework Decision on financial penalties where—
  - (a) a person is required to pay a financial penalty;
  - (b) the financial penalty is not paid in full within the time allowed for payment;
  - (c) there is no appeal outstanding in relation to the financial penalty; and
  - (d) it appears to the designated officer of the competent authority for Scotland that the person is normally resident, or has property or income, in a member State other than the United Kingdom.
- (2) For the purposes of subsection (1)(c), there is no appeal outstanding in relation to a financial penalty if—
  - (a) no appeal has been brought in relation to the imposition of the financial penalty within the time allowed for making such an appeal; or
  - (b) such an appeal has been brought but the proceedings on appeal have been concluded.
- (3) In subsections (1)(c) and (2) “appeal” in respect of financial penalties mentioned in subsection (5)(b) and (c) includes a request made under section 302C of this Act that such a penalty be recalled.
- (4) Where the person required to pay the financial penalty is a body corporate or a partnership (including a Scottish partnership) subsection (1)(d) applies as if the reference to the member State in which the person appears to be normally resident

*Status: Point in time view as at 16/08/2013. This version of this provision has been superseded.*

*Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 223A is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

were a reference to the member State in which the person appears to have its registered office or, as the case may be, its principal office of the partnership.

(5) In this section “financial penalty” means—

- (a) any sum payable under a compensation order imposed under section 249 of this Act;
- (b) any sum payable as a fixed penalty in a conditional offer made under section 302(1) of this Act and accepted, or deemed to be accepted, in accordance with that section;
- (c) any sum payable under a compensation offer made under section 302A(1) of this Act and accepted, or deemed to be accepted, in accordance with that section;
- (d) a fine, which is to be construed in accordance with section 307 of this Act, imposed by a court in Scotland on a person's conviction of an offence;
- (e) a fine or other sum imposed by a court in England and Wales, or Northern Ireland, on a person's conviction of an offence which, following a transfer of fine order by virtue of section 90 of the Magistrates' Courts Act 1980 <sup>F2</sup> or Article 95 of the Magistrates' Courts (Northern Ireland) Order 1981 <sup>F3</sup>, respectively, is enforceable in Scotland;
- (f) a penalty in respect of which a fixed penalty notice is given under section 54 (giving notices for fixed penalty offences), or section 62 (fixing notices to vehicles) of the Road Traffic Offenders Act 1988 <sup>F4</sup>, which has been registered in Scotland for enforcement as a fine by virtue of section 71 of that Act;
- (g) a fixed penalty notice given under section 129 (fixed penalty notices) of the Antisocial Behaviour etc. (Scotland) Act 2004 <sup>F5</sup> in respect of which section 131(5) of that Act applies; and
- (h) expenses imposed in connection with proceedings relating to a conviction as mentioned in paragraphs (d) and (e).]

#### Textual Amendments

- F1** Ss. 223A-223T and cross-heading inserted (12.10.2009) by The Mutual Recognition of Criminal Financial Penalties in the [European Union \(Scotland\) Order 2009 \(S.S.I. 2009/342\)](#), [art. 3](#) (with [art. 2](#))
- F2** 1980 c.43; section 90 was amended by the [Criminal Justice and Public Order Act 1994 \(c.33\)](#), [section 47\(2\)](#); the [Access to Justice Act 1999 \(c.22\)](#), [section 90](#), [Schedule 13](#), paragraphs 95, 108 (with [section 107](#), [Schedule 14](#), [paragraph 7\(2\)](#)); S.I. 1995/127 and S.I. 2001/916.
- F3** S.I. 1981/1675 (N.I. 26).
- F4** 1988 c.53; section 54 was amended by the [Road Traffic Act 1991 \(c.40\)](#), [sections 48](#) and 83, [Schedule 4](#), paragraph 103(2) and (3) and [Schedule 8](#); the [Police Reform Act 2002 \(c.30\)](#), [sections 38](#), 41, [76\(2\)](#), [108\(2\) to \(5\)](#), [Schedule 4](#), paragraph 1(2)(b) and [Schedule 5](#), paragraph 1(2)(a); S.I. 1990/144; S.I. 1992/1286; S.I. 2002/2750; S.I. 2002/2306 and section 62 was amended by the [Road Safety Act 2006 \(c.49\)](#), [section 5](#), [Schedule 1](#), [paragraph 7](#).
- F5** 2004 asp 8.

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