



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XI

#### SENTENCING

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

#### **[<sup>F1</sup>223Q The competent authority for Scotland**

- (1) In sections 223A to 223E of this Act “the competent authority for Scotland” is—
- (a) in respect of a financial penalty mentioned in—
    - (i) section 223A(5)(a) or (d) of this Act;
    - (ii) paragraph (h) of subsection (5) of section 223A of this Act, where that financial penalty is imposed in connection with proceedings relating to a conviction mentioned in paragraph (d) of that subsection, the court in respect of which the financial penalty was imposed or pronounced;
  - (b) in respect of a financial penalty mentioned in section 223A(5)(b) or (c) of this Act, the court the clerk of which is specified in the notice issued under section 302 or, as the case may be, 302A of this Act;
  - (c) in respect of a financial penalty mentioned in—
    - (i) section 223A(5)(e); or
    - (ii) paragraph (h) of subsection (5) of section 223A, where that financial penalty is imposed in connection with proceedings relating to a conviction as mentioned in paragraph (e) of that subsection, the court specified in the transfer of fine order made under section 90 of the Magistrates' Courts Act 1980 or Article 95 of the Magistrates' Courts (Northern Ireland) Order 1981 as being the court by which the financial penalty is enforceable;
  - (d) in respect of a financial penalty mentioned in section 223A(5)(f) of this Act—
    - (i) the court in which the financial penalty has been registered for enforcement by virtue of section 71(2)(a) of the Road Traffic Offenders Act 1988 <sup>F2</sup>; or

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*Status: Point in time view as at 01/09/2015. This version of this provision has been superseded.*

**Changes to legislation:** *Criminal Procedure (Scotland) Act 1995, Section 223Q is up to date with all changes known to be in force on or before 05 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)*

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- (ii) the court in respect of which the registration certificate, as mentioned in section 71(2) of the Road Traffic Offenders Act 1988, has been sent by virtue of section 71(2)(b) of that Act; and
  - (e) in respect of a financial penalty mentioned in section 223A(5)(g) of this Act, the JP court specified in the fixed penalty notice which has been issued by virtue of section 129 of the Antisocial Behaviour (Scotland) Act 2004.
- (2) In sections 223F, 223H, 223I, 223K, 223P and 223S “the competent authority for Scotland” is—
- (a) the sheriff; or
  - (b) the JP court;

having jurisdiction for the area in respect of which the person to whom the certificate is issued under section 223F(1) relates appears to normally reside or have property or income, or in the case of a body corporate or a partnership (including a Scottish partnership) the area in respect of which the person has its registered office or, as the case may be, its principal office of the partnership.]

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#### **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** [1988 c.53](#); section 71 was amended by the Access to [Justice Act 1999 \(c.22\)](#), section 90, Schedule 13, paragraph 150(2).

**Status:**

Point in time view as at 01/09/2015. This version of this provision has been superseded.

**Changes to legislation:**

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