



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XI

#### SENTENCING

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

#### **[<sup>F1</sup>223T Interpretation of sections 223A to 223S**

(1) In sections 223A to 223S of this Act—

“central authority”, in relation to a member State other than the United Kingdom, means an authority designated by that member State as a central authority for the purposes of the Framework Decision on financial penalties;

“central authority for England and Wales” means the authority designated for England and Wales as the central authority for the purposes of the Framework Decision on financial penalties;

“central authority for Northern Ireland” means the authority designated for Northern Ireland as the central authority for the purposes of the Framework Decision on financial penalties;

“central authority for Scotland” means the sheriff clerk of Lothian and Borders at Edinburgh;

“certificate” means the certificate as is provided for by Article 4 of the Framework Decision on financial penalties;

“decision” shall have the meaning given in Article 1 of the Framework Decision on financial penalties;

“Framework Decision on financial penalties” means Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties; and

“member State” means a member State of the European Union.

(2) Unless the context otherwise requires, in sections 223F to 223P, 223R and 223S of this Act “financial penalty” has the same meaning as given in Article 1(b) of the Framework Decision on financial penalties.

*Status: Point in time view as at 16/08/2013. This version of this provision has been superseded.*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 223T is up to date with all changes known to be in force on or before 15 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)*

- (3) In sections 223A to 223C of this Act, “designated officer” of the competent authority for Scotland—
- (a) in the case of financial penalties mentioned in—
    - (i) section 223A(5)(a) or (d) of this Act; and
    - (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, means the clerk of court in respect of which the financial penalty was imposed or pronounced;
  - (b) in the case of financial penalties mentioned in section 223A(5)(b) or (c) of this Act means the clerk of court specified in the notice, issued under section 302 or 302A, respectively, of this Act;
  - (c) in the case of financial penalties mentioned in—
    - (i) section 223A(5)(e) of this Act; and
    - (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 as mentioned in paragraph (e) of that subsection, means the clerk of 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 to which the financial penalty has been transferred for enforcement;
  - (d) in the case of financial penalties mentioned in section 223A(5)(f) of this Act means—
    - (i) the clerk of 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; or
    - (ii) the clerk of 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;
  - (e) in the case of financial penalties mentioned in section 223A(5)(g) of this Act, means the clerk of 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; and
  - (f) in the case of a FEO acting in accordance with section 226HA of this Act, is to be construed as if references to such an officer were references to a FEO.
- (4) In sections 223F, 223H, 223I and 223K of this Act, “designated officer” of the competent authority for Scotland means the clerk of the court mentioned in section 223Q(2) of this Act or, as the case may be, a FEO acting in accordance with section 226A to 226G of this Act in respect of a financial penalty.]

#### 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**)

**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 223T is up to date with all changes known to be in force on or before 15 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.