



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XI

#### SENTENCING

##### *[<sup>F1</sup>Enforcement of fines etc.: fines enforcement officers*

##### **[<sup>F1</sup>226I Enforcement of fines etc.: interpretation**

(1) [<sup>F2</sup>Subject to subsection (1A), in] this section and sections 226A to [<sup>F3</sup>226HA] of this Act—

[<sup>F4</sup> “ central authority for Scotland ” means the sheriff clerk of Lothian and Borders at Edinburgh;

“ certificate ” has the meaning given in section 223T(1) of this Act;

“ competent authority for Scotland ” is to be construed in accordance with section 223Q of this Act;

“ decision ” has the meaning given in section 223T(1) of this Act; ]

“ enforcement order ” is to be construed in accordance with section 226B(1) and (4) to [<sup>F5</sup> (6A) ] of this Act;

“ FEO ” means a fines enforcement officer;

[<sup>F6</sup> “ financial penalty ” has the meaning given in Article 1(b) of the Framework Decision on financial penalties;

“ Framework Decision on financial penalties ” has the meaning given in section 223T(1) of this Act; ]

“ offender ” means the person who is liable to pay a relevant penalty;

“relevant court”—

(a) in the case of a fine or compensation order, means—

(i) the court which imposed the penalty; or

(ii) where the penalty is transferred to another court, that other court;

*Status: Point in time view as at 16/08/2013. This version of this provision has been superseded.*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 226I 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)*

- (b) in the case of another relevant penalty (apart from a penalty specified by order for the purposes of this section), means—
- (i) the court whose clerk is specified in the notice to the offender; or
  - (ii) where the penalty is transferred to another court, that other court;
- (c) in the case of a penalty specified by order for the purposes of this section, means—
- (i) the court whose clerk is specified in the notice to the offender;
  - (ii) where the penalty is transferred to another court, that other court; or
  - (iii) such other court as the order may specify for those purposes;
- (d) [<sup>F7</sup>in the case of a penalty in respect of which subsection (6A) applies, means the competent authority for Scotland to which the documents mentioned in that subsection have been referred in accordance with section 223H(2) of this Act. ]
- “relevant penalty” means—
- (a) a fine;
  - (b) a compensation order imposed under section 249 of this Act;
  - (c) a fixed penalty offer made under section 302(1) of this Act;
  - (d) a compensation offer made under section 302A(1) of this Act;
  - (e) a fixed penalty notice given under section 54 (giving notices for fixed penalty offences) or section 62 (fixing notices to vehicles) of the Road Traffic Offenders Act 1988 (c. 53);
  - (f) a fixed penalty notice given under section 129 (fixed penalty notices) of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8);
  - (g) such other penalty as the Scottish Ministers may by order specify for the purposes of this section.

[ Unless the context otherwise requires, in this section and in sections 226A to 226H <sup>F8</sup>(1A) of this Act “relevant penalty”, where a FEO is acting in a case in respect of which section 226B(6A) applies, has the same meaning as “financial penalty.”]

- (2) An order specifying a penalty or a court for the purpose of this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.]

### Textual Amendments

- F1** Ss. 226A-226I and preceding cross-heading inserted (10.3.2008 for certain purposes and otherwise prosp.) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#), **ss. 55, 84**; [S.I. 2008/42, art. 3, Sch.](#)
- F2** Words in s. 226I(1) substituted (12.10.2009) by The Mutual Recognition of Criminal Financial Penalties in the [European Union \(Scotland\) Order 2009 \(S.S.I. 2009/342\)](#), **art. 6(a)(i)** (with [art. 2](#))
- F3** Word in s. 226I(1) substituted (12.10.2009) by The Mutual Recognition of Criminal Financial Penalties in the [European Union \(Scotland\) Order 2009 \(S.S.I. 2009/342\)](#), **art. 6(a)(ii)** (with [art. 2](#))
- F4** S. 226I(1): definitions 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. 6(a)(iii)** (with [art. 2](#))
- F5** Word in s. 226I(1) substituted (12.10.2009) by The Mutual Recognition of Criminal Financial Penalties in the [European Union \(Scotland\) Order 2009 \(S.S.I. 2009/342\)](#), **art. 6(a)(iv)** (with [art. 2](#))
- F6** S. 226I(1): definitions 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. 6(a)(v)** (with [art. 2](#))

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| <p><b>F7</b> S. 226I(1): Words in the definition of "relevant court" inserted (12.10.2009) by The Mutual Recognition of Criminal Financial Penalties in the <a href="#">European Union (Scotland) Order 2009 (S.S.I. 2009/342)</a>, <a href="#">art. 6(a)(vi)</a> (with art. 2)</p> <p><b>F8</b> S. 226I(1A) inserted (12.10.2009) by The Mutual Recognition of Criminal Financial Penalties in the <a href="#">European Union (Scotland) Order 2009 (S.S.I. 2009/342)</a>, {art. 6(b)} (with art. 2)</p> |
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