

These notes refer to the Criminal Justice and Immigration Act 2008 (c.4) which received Royal Assent on 8 May 2008

CRIMINAL JUSTICE AND IMMIGRATION ACT 2008

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 6: International co-operation in relation to criminal matters

Section 85: Procedure on receipt of certificate by designated officer

558. The designated officer and the magistrates' court must comply with certain requirements when the Lord Chancellor acts under section 84 to forward the specified documents to the designated officer.
559. *Subsection (2)* requires that the designated officer refers the matter to the magistrates' court. *Subsection (3)* then requires that the court satisfies itself whether any grounds for refusal to enforce the financial penalty apply, as specified in Part 1 of Schedule 19. The designated officer is required by *subsection (4)* to inform the Lord Chancellor of the court's decision.
560. *Subsections (5) to (7)* require that, unless a ground for refusal exists, the financial penalty will be treated as if it were a sum adjudged to be paid on a conviction by the magistrates' court from the date that it made its decision. The enforcement regime for fines and other financial penalties, as laid down in Part 3 of the Magistrates Courts Act 1980 and Schedules 5 and 6 to the Courts Act 2003 and subordinate legislation, will apply to the enforcement of the financial penalty.
561. *Subsection (8)* provides that, where the certificate indicates that a financial penalty has been partially paid before its transfer, references in subsection (6) to the amount of the financial penalty should be read as referring to the amount that remains unpaid.