



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 6

INTERNATIONAL CO-OPERATION IN RELATION TO CRIMINAL JUSTICE MATTERS

Recognition of financial penalties: requests from other member States

84 Requests from other member States: England and Wales

- (1) This section applies where—
 - (a) the competent authority or central authority of a member State other than the United Kingdom gives the Lord Chancellor—
 - [^{F1}(i) a decision, or a certified copy of a decision, requiring payment of a financial penalty, and
 - (ii) a certificate requesting enforcement under the Framework Decision on financial penalties, and]
 - (b) the financial penalty is suitable for enforcement in England and Wales (see section 91(1)).
- (2) If the certificate states that the person required to pay the financial penalty is normally resident in England and Wales, the Lord Chancellor must give the documents mentioned in subsection (1)(a) to the designated officer for the local justice area in which it appears that the person is normally resident.
- (3) Otherwise, the Lord Chancellor must give the documents mentioned in subsection (1) (a) to the designated officer for such local justice area as appears appropriate.
- (4) Where the Lord Chancellor acts under subsection (2) or (3), the Lord Chancellor must also give the designated officer a notice—
 - (a) stating whether the Lord Chancellor thinks that any of the grounds for refusal apply (see section 91(2)), and

Changes to legislation: *Criminal Justice and Immigration Act 2008, Cross Heading: Recognition of financial penalties: requests from other member States is up to date with all changes known to be in force on or before 25 February 2019. 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) giving reasons for that opinion.
- (5) Where the person required to pay the financial penalty is a body corporate, subsection (2) applies as if the reference to the local justice area in which it appears that the person is normally resident were a reference to the local justice area in which it appears that the person has its registered office.
- (6) Where—
- (a) the competent authority or central authority of a member State other than the United Kingdom gives the central authority for Scotland the documents mentioned in subsection (1)(a), and
 - (b) without taking any action to enforce the financial penalty in Scotland, the central authority for Scotland gives the documents to the Lord Chancellor,
- this section applies as if the competent authority or central authority of the other member State gave the documents to the Lord Chancellor.
- [^{F2}(7) Where the documents mentioned in subsection (1)(a) are given to the Lord Chancellor by the Department of Justice under section 90A, this section applies as if the competent authority or central authority of the other member State gave the documents to the Lord Chancellor.]

Annotations:

Amendments (Textual)

- F1** S. 84(1)(a)(i)(ii) substituted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 4**
- F2** S. 84(7) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 18 para. 86** (with arts. 28-31)

Commencement Information

- I1** S. 84 in force at 1.10.2009 by [S.I. 2009/2606](#), art. 2(e)

85 Procedure on receipt of certificate by designated officer

- (1) This section applies where the Lord Chancellor gives the designated officer for a local justice area—
- [^{F3}(a) a decision, or a certified copy of a decision, requiring payment of a financial penalty,
 - (b) a certificate requesting enforcement under the Framework Decision on financial penalties, and]
 - (c) a notice under section 84(4).
- (2) The designated officer must refer the matter to a magistrates' court acting for that area.
- (3) The magistrates' court must decide whether it is satisfied that any of the grounds for refusal apply (see section 91(2)).
- (4) The designated officer must inform the Lord Chancellor of the decision of the magistrates' court.
- [^{F4}(4A) If the magistrates' court is of the view that one or more of the grounds for refusal mentioned in paragraphs A1, 2A and 6 of Schedule 19 may apply, the designated

Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Recognition of financial penalties: requests from other member States is up to date with all changes known to be in force on or before 25 February 2019. 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)

officer for the magistrates' court or the Lord Chancellor must, before the magistrates' court takes a decision under subsection (3)—

- (a) consult the competent authority or central authority concerned, and
- (b) request the authority to supply without delay any further information required.]

(5) Subsection (6) applies unless the magistrates' court is satisfied that one or more of the grounds for refusal apply.

(6) The enactments specified in subsection (7) apply in relation to the financial penalty as if it were a sum adjudged to be paid by a conviction of the magistrates' court on the date when the court made the decision mentioned in subsection (4).

(7) The enactments specified in this subsection are—

- (a) Part 3 of the Magistrates' Courts Act 1980 (c. 43) (satisfaction and enforcement);
- (b) Schedules 5 and 6 to the Courts Act 2003 (c. 39) (collection of fines etc. and discharge of fines etc. by unpaid work);
- (c) any subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)) made under the enactments specified in paragraphs (a) and (b).

[^{F5}(7A) But any power of a magistrates' court to impose a relevant alternative sanction in connection with a default in paying the financial penalty—

- (a) may be exercised only if its exercise is authorised by the certificate, and
- (b) is subject to any provision of the certificate specifying the maximum level of sanction that may be imposed.

(7B) “Any power of a magistrates' court to impose a relevant alternative sanction” means any of the following powers conferred on a magistrates' court by virtue of subsection (6)—

- (a) the power under section 76 of the Magistrates' Courts Act 1980 to issue a warrant committing a person to prison;
- (b) the power under Schedule 6 to the Courts Act 2003 to make an order requiring a person to perform unpaid work;
- (c) the power under section 300 of the Criminal Justice Act 2003 to order a person to comply with an unpaid work requirement, a curfew requirement or an attendance centre requirement;
- (d) the power under section 301 of that Act to order a person to be disqualified for holding or obtaining a driving licence;
- (e) the power under section 39 of this Act to order a person aged under 18 to comply with an unpaid work requirement, a curfew requirement or an attendance centre requirement.]

[^{F6}(7C) If the person required to pay the financial penalty to which the certificate relates provides evidence that all or part of the penalty has been paid in any State, the designated officer for the magistrates' court or the Lord Chancellor must—

- (a) consult the competent authority or central authority concerned, and
- (b) request the authority to supply without delay any further information required.]

[^{F7}(8) If—

- (a) the certificate requesting enforcement under the Framework Decision on financial penalties states that part of the financial penalty has been paid,

Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Recognition of financial penalties: requests from other member States is up to date with all changes known to be in force on or before 25 February 2019. 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) the Lord Chancellor is informed, in accordance with Article 15(3) of that Decision, that all or part of the financial penalty has been paid, or
 - (c) the magistrates' court is satisfied, having regard to evidence provided as mentioned in subsection (7C) and following consultation under that subsection, that all or part of the financial penalty has been paid in any State,
- the references in subsections (6) and (7A) to the financial penalty are to be read as references to so much of the penalty as remains unpaid (and, accordingly, if none of the penalty remains unpaid, subsection (6) ceases to have effect in relation to the penalty).]

Annotations:

Amendments (Textual)

- F3** S. 85(1)(a)(b) substituted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 5(2)**
- F4** S. 85(4A) inserted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 5(3)**
- F5** S. 85(7A)(7B) inserted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 5(4)**
- F6** S. 85(7C) inserted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 5(5)**
- F7** S. 85(8) substituted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 5(6)**

Modifications etc. (not altering text)

- C1** S. 85(7B) modified (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 5(8)(9)**

Commencement Information

- I2** S. 85 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(f)**

86 Modification of Magistrates' Courts Act 1980 [^{F8} etc]

- (1) Section 90 of the Magistrates' Courts Act 1980 is modified as follows in its application to financial penalties by virtue of section 85(6) of this Act.
 - (2) Subsection (1) applies as if for the words from “he is residing” to the end of that subsection there were substituted “he is residing, or has property or a source of income, in any petty sessions district in Northern Ireland—
 - (a) the court or the fines officer (as the case may be) may order that payment of the sum shall be enforceable in that petty sessions district, and
 - (b) if such an order is made, the court or the fines officer must notify the Lord Chancellor.”
- [^{F9}(3) Where a transfer of fine order is made under section 90 of the Magistrates' Courts Act 1980 as applied by section 85(6) of this Act—
- (a) subsections (6A) to (7) of section 88 of this Act apply in relation to the powers conferred by Article 96 of the Magistrates' Courts (Northern Ireland) Order 1981 ([S.I. 1981/1675 \(N.I. 26\)](#)) (transfer of fines to Northern Ireland) as a result of the order as they apply in relation to the powers conferred on a magistrates' court by virtue of section 88(6) of this Act, and

Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Recognition of financial penalties: requests from other member States is up to date with all changes known to be in force on or before 25 February 2019. 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) for this purpose—
 - (i) references in those subsections to the financial penalty are to be treated as references to the financial penalty to which the order relates, and
 - (ii) references in those subsections to the certificate are to be treated as references to the certificate by virtue of which the order is made.]

Annotations:

Amendments (Textual)

- F8** Word in s. 86 heading inserted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), [Sch. 3 para. 6\(3\)](#)
- F9** [S. 86\(3\)](#) inserted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), [Sch. 3 para. 6\(2\)](#)

Commencement Information

- I3** [S. 86](#) in force at 1.10.2009 by [S.I. 2009/2606](#), [art. 2\(g\)](#)

87 Requests from other member States: Northern Ireland

- (1) This section applies where—
 - (a) the competent authority or central authority of a member State other than the United Kingdom gives the [^{F10}Department of Justice]—
 - [^{F11}(i) a decision, or a certified copy of a decision, requiring payment of a financial penalty, and
 - (ii) a certificate requesting enforcement under the Framework Decision on financial penalties, and]
 - (b) the financial penalty is suitable for enforcement in Northern Ireland (see section 91(1)).
- ^{F12}(2)
- (3) ^{F13}... the [^{F14}Department of Justice] must give the documents mentioned in subsection (1)(a) to the clerk of petty sessions ^{F13}....
- (4) Where the [^{F15}Department of Justice] acts under subsection ^{F16}... (3), the [^{F15}Department of Justice] must also give the clerk of petty sessions a notice—
 - (a) stating whether the [^{F15}Department of Justice] thinks that any of the grounds for refusal apply (see section 91(2)), and
 - (b) giving reasons for that opinion.
- ^{F17}(5)
- (6) Where—
 - (a) the competent authority or central authority of a member State other than the United Kingdom gives the central authority for Scotland the documents mentioned in subsection (1)(a), and
 - (b) without taking any action to enforce the financial penalty in Scotland, the central authority for Scotland gives the documents to the [^{F18}Department of Justice],

Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Recognition of financial penalties: requests from other member States is up to date with all changes known to be in force on or before 25 February 2019. 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)

this section applies as if the competent authority or central authority of the other member State gave the documents to the [F18Department of Justice].

[F19(7) Where the documents mentioned in subsection (1)(a) are given to the Department of Justice by the Lord Chancellor under section 90A, this section applies as if the competent authority or central authority of the other member State gave the documents to the Department of Justice.]

Annotations:

Amendments (Textual)

- F10** Words in s. 87(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 87(a)** (with arts. 28-31)
- F11** S. 87(1)(a)(i)(ii) substituted (3.12.2014) by The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141), reg. 1(b), **Sch. 3 para. 7**
- F12** S. 87(2) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 133(2)(a), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)
- F13** Words in s. 87(3) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 133(2)(b), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)
- F14** Words in s. 87(3) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 87(a)** (with arts. 28-31)
- F15** Words in s. 87(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 87(a)** (with arts. 28-31)
- F16** Words in s. 87(4) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 133(2)(c), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)
- F17** S. 87(5) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 133(2)(d), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)
- F18** Words in s. 87(6) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 87(a)** (with arts. 28-31)
- F19** S. 87(7) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 87(b)** (with arts. 28-31)

Commencement Information

- I4** S. 87 in force at 1.10.2009 by S.I. 2009/2606, art. 2(h)

88 Procedure on receipt of certificate by clerk of petty sessions

- (1) This section applies where the [F20Department of Justice] gives the clerk of petty sessions F21 ... —
- [F22(a) a decision, or a certified copy of a decision, requiring payment of a financial penalty,
- (b) a certificate requesting enforcement under the Framework Decision on financial penalties, and]
- (c) a notice under section 87(4).
- (2) The clerk must refer the matter to a magistrates' court F23
- (3) The magistrates' court must decide [F24—
- (a) whether it is satisfied that any of the grounds for refusal apply (see section 91(2)).][F25, and
- (b) if it is satisfied that none of the grounds for refusal apply, whether to make a collection order under section 3 of the Justice Act (Northern Ireland) 2016.]

Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Recognition of financial penalties: requests from other member States is up to date with all changes known to be in force on or before 25 February 2019. 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)

- (4) The clerk must inform the [^{F26}Department of Justice] of the decision of the magistrates' court.
- [^{F27}(4A) If the magistrates' court is of the view that one or more of the grounds for refusal mentioned in paragraphs A1, 2A and 6 of Schedule 19 may apply, the designated officer for the magistrates' court or the Department of Justice must, before the magistrates' court takes a decision under subsection (3)—
- (a) consult the competent authority or central authority concerned, and
 - (b) request the authority to supply without delay any further information required.]
- (5) Subsection (6) applies unless the magistrates' court is satisfied that one or more of the grounds for refusal apply.
- (6) [^{F28} The enactments specified in subsection (6ZA)] apply in relation to the financial penalty as if it were a sum adjudged to be paid by a conviction of the magistrates' court on the date when the court made the decision mentioned in subsection (4).
- [^{F29}(6ZA) The enactments specified in this subsection are—
- (a) Part 9 of the Magistrates' Courts (Northern Ireland) Order 1981 and any instrument made under that Part;
 - (b) Chapter 1 of Part 1 of the Justice Act (Northern Ireland) 2016 and any instrument made under that Chapter.]
- [^{F30}(6A) But any power of a magistrates' court to impose a relevant alternative sanction in connection with a default in paying the financial penalty—
- (a) may be exercised only if its exercise is authorised by the certificate, and
 - (b) is subject to any provision of the certificate specifying the maximum level of sanction that may be imposed.
- (6B) “Any power of a magistrates' court to impose a relevant alternative sanction” means any of the following powers conferred on a magistrates' court by virtue of subsection (6)—
- (a) the power under Article 92(1)(b) or (c) of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 12)) to issue a warrant committing a person to prison;
 - (b) the power under Article 37 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)) to make an attendance centre order;
 - (c) the power under Article 48 of the Criminal Justice (Children) (Northern Ireland) Order 1998 to commit a person aged 16 to 18 to custody in a young offenders' institution.]
- [^{F31}(6C) If the person required to pay the financial penalty to which the certificate relates provides evidence that all or part of the penalty has been paid in any State, the designated officer for the magistrates' court or the Department of Justice must—
- (a) consult the competent authority or central authority concerned, and
 - (b) request the authority to supply without delay any further information required.]
- [^{F32}(7) If—
- (a) the certificate requesting enforcement under the Framework Decision on financial penalties states that part of the financial penalty has been paid,

Changes to legislation: *Criminal Justice and Immigration Act 2008, Cross Heading: Recognition of financial penalties: requests from other member States is up to date with all changes known to be in force on or before 25 February 2019. 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) the Department of Justice is informed, in accordance with Article 15(3) of that Decision, that all or part of the financial penalty has been paid, or
- (c) the magistrates' court is satisfied, having regard to evidence provided as mentioned in subsection (6C) and following consultation under that subsection, that all or part of the financial penalty has been paid in any State, the references in subsections (6) and (6A) to the financial penalty are to be read as references to so much of the penalty as remains unpaid (and, accordingly, if none of the penalty remains unpaid, subsection (6) ceases to have effect in relation to the penalty).]

Annotations:

Amendments (Textual)

- F20** Words in s. 88(1) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 18 para. 88** (with arts. 28-31)
- F21** Words in s. 88(1) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), **Sch. 1 para. 133(3)(a)**, **Sch. 9 Pt. 1** (with [Sch. 8 para. 1](#)); [S.R. 2016/387](#), art. 2(k)(l) (with art. 3)
- F22** S. 88(1)(a)(b) substituted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 8(2)**
- F23** Words in s. 88(2) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), **Sch. 1 para. 133(3)(b)**, **Sch. 9 Pt. 1** (with [Sch. 8 para. 1](#)); [S.R. 2016/387](#), art. 2(k)(l) (with art. 3)
- F24** Words in s. 88(3) inserted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\)](#), s. 61(2), **Sch. 2 para. 6(1)(a)**; [S.R. 2018/99](#), art. 2(c)
- F25** S. 88(3)(b) and word inserted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\)](#), s. 61(2), **Sch. 2 para. 6(1)(b)**; [S.R. 2018/99](#), art. 2(c)
- F26** Words in s. 88(4) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 18 para. 88** (with arts. 28-31)
- F27** S. 88(4A) inserted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 8(3)**
- F28** Words in s. 88(6) substituted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\)](#), s. 61(2), **Sch. 2 para. 6(2)**; [S.R. 2018/99](#), art. 2(c)
- F29** S. 88(6ZA) inserted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\)](#), s. 61(2), **Sch. 2 para. 6(3)**; [S.R. 2018/99](#), art. 2(c)
- F30** S. 88(6A)(6B) inserted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 8(4)**
- F31** S. 88(6C) inserted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 8(5)**
- F32** S. 88(7) substituted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 8(6)**

Commencement Information

- I5** S. 88 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(i)**

89 Modification of Magistrates' Courts (Northern Ireland) Order 1981 ^{F33} etc]

- (1) Part 9 of the Magistrates' Courts (Northern Ireland) Order 1981 is modified as follows in its application to financial penalties by virtue of section 88(6) of this Act.
- (2) Article 92 applies in relation to any financial penalty for an amount exceeding £20,000 as if for paragraph (5) there were substituted—

“(5) The period for which a person may be committed to prison under this Article in default of payment or levy of any sum or part of such sum shall not exceed the

Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Recognition of financial penalties: requests from other member States is up to date with all changes known to be in force on or before 25 February 2019. 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)

maximum period which the Crown Court could have fixed under section 35(1) (c) of the Criminal Justice Act (Northern Ireland) 1945 had the financial penalty been a fine imposed by the Crown Court.”

- (3) For the purposes of subsection (2), if the amount of a financial penalty is specified in a currency other than sterling, that amount must be converted to sterling by reference to the London closing exchange rate on the relevant date.
- (4) In subsection (3), the “relevant date” means the date on which the decision imposing the financial penalty was made.
- (5) Article 95 applies as if for the words from “he is residing” in paragraph (1) to the end of that paragraph there were substituted “he is residing, or has property or a source of income, in any local justice area in England and Wales—
- (a) the court may order that payment of the sum shall be enforceable in that local justice area, and
 - (b) if such an order is made, the court must notify the [^{F34}Department of Justice] .”
- [^{F35}(6) Where a transfer of fine order is made under Article 95 of the Magistrates’ Courts (Northern Ireland) Order 1981 as applied by section 88(6) of this Act—
- (a) subsections (7A) to (8) of section 85 of this Act apply in relation to the powers conferred by section 91 of the Magistrates’ Courts Act 1980 (transfer of fines from Northern Ireland) as a result of the order as they apply in relation to the powers conferred on a magistrates’ court by virtue of section 85(6) of this Act, and
 - (b) for this purpose—
 - (i) references in those subsections to the financial penalty are to be treated as references to the financial penalty to which the order relates, and
 - (ii) references in those subsections to the certificate are to be treated as references to the certificate by virtue of which the order is made.]

Annotations:

Amendments (Textual)

- F33** Word in s. 89 heading inserted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 9(3)**
- F34** Words in s. 89(5) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 18 para. 89** (with arts. 28-31)
- F35** [S. 89\(6\)](#) inserted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 9(2)**

Commencement Information

- I6** [S. 89](#) in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(j)**

90 Transfer of certificates to central authority for Scotland

- (1) This section applies where—
- (a) the competent authority or central authority of a member State other than the United Kingdom gives the Lord Chancellor [^{F36}or the Department of Justice]—

Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Recognition of financial penalties: requests from other member States is up to date with all changes known to be in force on or before 25 February 2019. 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)

- [^{F37}(i) a decision, or a certified copy of a decision, requiring payment of a financial penalty, and
 - (ii) a certificate requesting enforcement under the Framework Decision on financial penalties, but]
 - [^{F38}(b) the financial penalty is not suitable for enforcement in England and Wales or Northern Ireland for the purposes of section 84(1) or 87(1).]
- (2) If the certificate states that the person is normally resident or has property or a source of income in Scotland, the [^{F39}documents must be given to the central authority for Scotland—
- (a) in a case to which paragraph 6 of Schedule 18 applies, by the Lord Chancellor;
 - (b) in a case to which paragraph 7 of Schedule 18 applies, by the Department of Justice;
 - (c) in any other case, by whoever was given the documents by the competent authority or central authority of the other member State].

Annotations:

Amendments (Textual)

- F36** Words in s. 90(1)(a) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 18 para. 90(a)** (with arts. 28-31)
- F37** S. 90(1)(a)(i)(ii) substituted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 10**
- F38** S. 90(1)(b) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 18 para. 90(b)** (with arts. 28-31)
- F39** Words in s. 90(2) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 18 para. 90(c)** (with arts. 28-31)

Commencement Information

- I7** S. 90 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(k)**

[^{F40}90A Transfer of certificates by Department of Justice to Lord Chancellor and vice versa

- (1) Subsection (2) applies where—
- (a) the competent authority or central authority of a member State other than the United Kingdom gives the Department of Justice—
 - [^{F41}(i) a decision, or a certified copy of a decision, requiring payment of a financial penalty, and
 - (ii) a certificate requesting enforcement under the Framework Decision on financial penalties, or]
 - (b) the competent authority or central authority of a member State other than the United Kingdom gives the central authority for Scotland the documents mentioned in paragraph (a) and the central authority for Scotland, without taking any action to enforce the financial penalty in Scotland, gives the documents to the Department of Justice.
- (2) The Department of Justice must give the documents to the Lord Chancellor if—
- (a) it is a case to which paragraph 6 of Schedule 18 applies, or

Changes to legislation: *Criminal Justice and Immigration Act 2008, Cross Heading: Recognition of financial penalties: requests from other member States is up to date with all changes known to be in force on or before 25 February 2019. 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) other than by virtue of that paragraph, the financial penalty is suitable for enforcement in England and Wales for the purposes of section 84(1).
- (3) Subsection (4) applies where—
- (a) the competent authority or central authority of a member State other than the United Kingdom gives the Lord Chancellor—
 - [^{F42}(i) a decision, or a certified copy of a decision, requiring payment of a financial penalty, and
 - (ii) a certificate requesting enforcement under the Framework Decision on financial penalties, or]
 - (b) the competent authority or central authority of a member State other than the United Kingdom gives the central authority for Scotland the documents mentioned in paragraph (a) and the central authority for Scotland, without taking any action to enforce the financial penalty in Scotland, gives the documents to the Lord Chancellor.
- (4) The Lord Chancellor must give the documents to the Department of Justice if—
- (a) it is a case to which paragraph 7 of Schedule 18 applies, or
 - (b) other than by virtue of that paragraph, the financial penalty is suitable for enforcement in Northern Ireland for the purposes of section 87(1).]

Annotations:

Amendments (Textual)

- F40** S. 90A inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 18 para. 91** (with arts. 28-31)
- F41** S. 90A(1)(a)(i)(ii) substituted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 11(2)**
- F42** S. 90A(3)(a)(i)(ii) substituted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 11(3)**

Changes to legislation:

Criminal Justice and Immigration Act 2008, Cross Heading: Recognition of financial penalties: requests from other member States is up to date with all changes known to be in force on or before 25 February 2019. 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.

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)