



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 to other member States

80 Requests to other member States: England and Wales

(1) In Schedule 5 to the Courts Act 2003 (c. 39) (collection of fines and other sums imposed on conviction) in paragraph 38 (the range of further steps available against defaulters)—

(a) after sub-paragraph (1)(e) insert—

“(f) subject to sub-paragraph (4), issuing a certificate requesting enforcement under the Framework Decision on financial penalties;”, and

(b) after sub-paragraph (3) insert—

“(4) A certificate requesting enforcement under the Framework Decision on financial penalties may only be issued where—

(a) the sum due is a financial penalty within the meaning of section 80 of the Criminal Justice and Immigration Act 2008, and

(b) it appears to the fines officer or the court that P is normally resident, or has property or income, in a member State other than the United Kingdom.

(5) In this paragraph, references to a certificate requesting enforcement under the Framework Decision on financial penalties are to be construed in accordance with section 92(3) of the Criminal Justice and Immigration Act 2008.”

Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Recognition of financial penalties: requests to other member States is up to date with all changes known to be in force on or before 26 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)

- (2) The designated officer for a magistrates' court may issue a certificate requesting enforcement under the Framework Decision on financial penalties where—
- (a) a person is required to pay a financial penalty,
 - (b) the penalty is not paid in full within the time allowed for payment,
 - (c) there is no appeal outstanding in relation to the penalty,
 - (d) Schedule 5 to the Courts Act 2003 (c. 39) does not apply in relation to the enforcement of the penalty, and
 - (e) it appears to the designated officer that the person is normally resident in, or has property or income in, a member State other than the United Kingdom.
- (3) For the purposes of subsection (2)(c), there is no appeal outstanding in relation to a financial penalty if—
- (a) no appeal has been brought in relation to the imposition of the financial penalty within the time allowed for making such an appeal, or
 - (b) such an appeal has been brought but the proceedings on appeal have been concluded.
- (4) Where the person required to pay the financial penalty is a body corporate, subsection (2)(e) applies as if the reference to the person being normally resident in a member State other than the United Kingdom were a reference to the person having its registered office in a member State other than the United Kingdom.
- (5) In this section, “financial penalty” means—
- (a) a fine imposed by a court in England and Wales on a person's conviction of an offence;
 - (b) any sum payable under a compensation order (within the meaning of section 130(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6));
 - [^{F1}(ba) any sum payable under a slavery and trafficking reparation order (within the meaning of section 8 of the Modern Slavery Act 2015);]
 - (c) a surcharge under section 161A of the Criminal Justice Act 2003 (c. 44);
 - (d) any sum payable under any such order as is mentioned in paragraphs 1 to 9 of Schedule 9 to the Administration of Justice Act 1970 (c. 31) (orders for payment of costs);
 - (e) any sum payable by virtue of section 137(1) or (1A) of the Powers of Criminal Courts (Sentencing) Act 2000 (orders requiring parents to pay fines etc.);
 - (f) any fine or other sum mentioned in section 82(4)(b)(i) to (iv), or any fine imposed by a court in Scotland, which is enforceable in a local justice area in England and Wales by virtue of section 91 of the Magistrates' Courts Act 1980 (c. 43);
 - (g) any other financial penalty, within the meaning of the Framework Decision on financial penalties, specified in an order made by the Lord Chancellor.

Annotations:

Amendments (Textual)

- F1** S. 80(5)(ba) inserted (17.3.2016) by [The Modern Slavery Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/244\)](#), regs. 1(1), **18**

Commencement Information

- I1** S. 80 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(a)**

Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Recognition of financial penalties: requests to other member States is up to date with all changes known to be in force on or before 26 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)

81 Procedure on issue of certificate: England and Wales

- (1) This section applies where—
- (a) a magistrates' court or a fines officer has, under paragraph 39(3)(b) or 40 of Schedule 5 to the Courts Act 2003 (c. 39), issued a certificate requesting enforcement under the Framework Decision on financial penalties, or
 - (b) the designated officer for a magistrates' court has issued such a certificate under section 80(2) of this Act.
- (2) The [^{F2}the relevant officer] must give the Lord Chancellor the certificate, together with a certified copy of the decision requiring payment of the financial penalty.

[^{F3}(2A) The “relevant officer” means—

- (a) the fines officer (in the case of a certificate issued by the officer), or
- (b) the designated officer for the magistrates' court (in any other case).]

- (3) On receipt of the documents mentioned in subsection (2), the Lord Chancellor must give those documents to the central authority or competent authority of the member State in which the person required to pay the penalty appears to be normally resident or (as the case may be) to have property or income.

[^{F4}(4) Subsections (4A) to (4C) apply where a certified copy of the decision is given to the central authority or competent authority of a member State in accordance with subsection (3).

(4A) No further steps to enforce the decision may be taken in England and Wales unless—

- (a) an event mentioned in Article 15(2)(a) of the Framework Decision on financial penalties occurs in relation to the decision, or
- (b) the relevant officer or the Lord Chancellor informs the central authority or competent authority as mentioned in subsection (4C)(b).

(4B) The relevant officer or the Lord Chancellor must inform the central authority or competent authority without delay if the officer receives any sum of money which the person concerned has paid voluntarily in respect of the decision requiring payment of the financial penalty.

(4C) The relevant officer or the Lord Chancellor must inform the central authority or competent authority forthwith of any decision or measure as a result of which the decision requiring payment of the financial penalty—

- (a) ceases to be enforceable, or
- (b) is withdrawn from the competent authority for any other reason.]

- (5) Where the person required to pay the financial penalty is a body corporate, subsection (3) applies as if the reference to the member State in which the person appears to be normally resident were a reference to the member State in which the person appears to have its registered office.

Annotations:

Amendments (Textual)

F2 Words in s. 81(2) 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. 2(2)**

F3 S. 81(2A) 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. 2(3)**

Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Recognition of financial penalties: requests to other member States is up to date with all changes known to be in force on or before 26 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)

F4 S. 81(4)-(4C) substituted for s. 81(4) (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. 2\(4\)](#)

Commencement Information

I2 S. 81 in force at 1.10.2009 by [S.I. 2009/2606](#), [art. 2\(b\)](#)

82 Requests to other member States: Northern Ireland

- (1) A designated officer of the [^{F5}Department of Justice] may issue a certificate requesting enforcement under the Framework Decision on financial penalties where—
 - (a) a person is required to pay a financial penalty,
 - (b) the penalty is not paid in full within the time allowed for payment,
 - (c) there is no appeal outstanding in relation to the penalty, and
 - (d) it appears to the designated officer that the person is normally resident in, or has property or income in, a member State other than the United Kingdom.
- (2) For the purposes of subsection (1)(c), there is no appeal outstanding in relation to a financial penalty if—
 - (a) no appeal has been brought in relation to the imposition of the financial penalty within the time allowed for making such an appeal, or
 - (b) such an appeal has been brought but the proceedings on appeal have been concluded.
- (3) Where the person required to pay the financial penalty is a body corporate, subsection (1)(d) applies as if the reference to the person being normally resident in a member State other than the United Kingdom were a reference to the person having its registered office in a member State other than the United Kingdom.
- (4) In this section—
 - (a) “designated officer of the [^{F6}Department of Justice]” means a [^{F7}civil servant in the Department of Justice] designated by the [^{F8}Department of Justice] for the purposes of this section;
 - (b) “financial penalty” means—
 - (i) a fine imposed by a court in Northern Ireland on a person's conviction of an offence;
 - (ii) any sum payable under a compensation order (within the meaning of Article 14 of the Criminal Justice (Northern Ireland) Order 1994 (S.I.1994/2795 (N.I.15)));
 - (iii) any sum payable under an order made under section 2(1), 4(1) or 5(1) of the Costs in Criminal Cases Act (Northern Ireland) 1968 (N.I. 10) or section 41(1) of the Criminal Appeal (Northern Ireland) Act 1980 (c. 47);
 - (iv) any sum payable by virtue of Article 35 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9) (orders requiring parents to pay fines etc.);
 - (v) any fine or other sum mentioned in section 80(5)(a) to (e), or any fine imposed by a court in Scotland, which is enforceable ^{F9}... in Northern Ireland by virtue of Article 96 of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I.26));

Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Recognition of financial penalties: requests to other member States is up to date with all changes known to be in force on or before 26 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)

- (vi) any other financial penalty, within the meaning of the Framework Decision on financial penalties, specified in an order made by the [^{F10}Department of Justice].

Annotations:

Amendments (Textual)

- F5** Words in s. 82(1) substituted (12.4.2010) by [The Northern Ireland Court Service \(Abolition and Transfer of Functions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/133\)](#), art. 1, **Sch. para. 12(2)** (with arts. 5-7)
- F6** Words in s. 82(4)(a) substituted (12.4.2010) by [The Northern Ireland Court Service \(Abolition and Transfer of Functions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/133\)](#), art. 1, **Sch. para. 12(3)(a)** (with arts. 5-7)
- F7** Words in s. 82(4)(a) substituted (12.4.2010) by [The Northern Ireland Court Service \(Abolition and Transfer of Functions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/133\)](#), art. 1, **Sch. para. 12(3)(b)** (with arts. 5-7)
- F8** Words in s. 82(4)(a) 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. 84** (with arts. 28-31)
- F9** Words in s. 82(4)(b)(v) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), **Sch. 1 para. 133(1)**, **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(l) (with art. 3)
- F10** Words in s. 82(4)(b)(vi) 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. 84** (with arts. 28-31)

Commencement Information

- I3** S. 82 in force at 1.10.2009 by [S.I. 2009/2606](#), art. 2(c)

83 Procedure on issue of certificate: Northern Ireland

(1) This section applies where a designated officer has issued a certificate under section 82(1).

^{F11}(2)

(3) [^{F12}The Department of Justice must give the documents mentioned in subsection (3A)] to the central authority or competent authority of the member State in which the person required to pay the penalty appears to be normally resident or (as the case may be) to have property or income.

[^{F13}(3A) The documents are—

- (a) the certificate;
- (b) a certified copy of the decision requiring payment of the financial penalty.]

[^{F14}(4) Subsections (4A) to (4C) apply where a certified copy of the decision is given to the central authority or competent authority of a member State in accordance with subsection (3).

(4A) No further steps to enforce the decision may be taken in Northern Ireland unless—

- (a) an event mentioned in Article 15(2)(a) of the Framework Decision on financial penalties occurs in relation to the decision, or
- (b) the designated officer or the Department of Justice informs the central authority or competent authority as mentioned in subsection (4C)(b).

Changes to legislation: *Criminal Justice and Immigration Act 2008, Cross Heading: Recognition of financial penalties: requests to other member States is up to date with all changes known to be in force on or before 26 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)*

- (4B) The designated officer or the Department of Justice must inform the central authority or competent authority without delay if the officer receives any sum of money which the person concerned has paid voluntarily in respect of the decision requiring payment of the financial penalty.
- (4C) The designated officer or the Department of Justice must inform the central authority or competent authority forthwith of any decision or measure as a result of which the decision requiring payment of the financial penalty—
- (a) ceases to be enforceable, or
 - (b) is withdrawn from the competent authority for any other reason.]
- (5) Where the person required to pay the financial penalty is a body corporate, subsection (3) applies as if the reference to the member State in which the person appears to be normally resident were a reference to the member State in which the person appears to have its registered office.

Annotations:

Amendments (Textual)

- F11** S. 83(2) omitted (12.4.2010) by virtue of *The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976)*, art. 1(2), **Sch. 18 para. 85(a)** (with arts. 28-31)
- F12** Words in s. 83(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. 85(b)** (with arts. 28-31)
- F13** S. 83(3A) 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. 85(c)** (with arts. 28-31)
- F14** S. 83(4)-(4C) substituted for s. 83(4) (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. 3(2)**

Commencement Information

- I4** S. 83 in force at 1.10.2009 by *S.I. 2009/2606*, art. 2(d)

Changes to legislation:

Criminal Justice and Immigration Act 2008, Cross Heading: Recognition of financial penalties: requests to other member States is up to date with all changes known to be in force on or before 26 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\(3\)](#)