

SCHEDULES

SCHEDULE 19

GROUND FOR REFUSAL TO ENFORCE FINANCIAL PENALTIES

PART 1

THE GROUNDS FOR REFUSAL

- 1 A penalty (of any kind) has been imposed on the liable person in respect of the conduct to which the certificate relates under the law of any part of the United Kingdom (whether or not the penalty has been enforced).
- 2 A penalty (of any kind) has been imposed on the liable person in respect of that conduct under the law of any member State, other than the United Kingdom and the issuing State, and that penalty has been enforced.
- 3 (1) The decision was made in respect of conduct—
 - (a) that is not specified in Part 2 of this Schedule, and
 - (b) would not constitute an offence under the law of the relevant part of the United Kingdom if it occurred in that part.(2) In sub-paragraph (1), “the relevant part of the United Kingdom” means—
 - (a) in the application of this Schedule to England and Wales, England and Wales, and
 - (b) in the application of this Schedule to Northern Ireland, Northern Ireland.
- 4 (1) The decision was made in respect of conduct—
 - (a) that occurred outside the territory of the issuing State, and
 - (b) would not constitute an offence under the law of the relevant part of the United Kingdom if it occurred outside that part.(2) In sub-paragraph (1), “the relevant part of the United Kingdom” has the same meaning as in paragraph 3(2).
- 5 The decision was made in respect of conduct by a person who was under the age of 10 when the conduct took place.
- 6 The certificate does not confirm that—
 - (a) if the proceedings in which the decision was made were conducted in writing, the liable person was informed of the right to contest the proceedings and of the time limits that applied to the exercise of that right;
 - (b) if those proceedings provided for a hearing to take place and the liable person did not attend, the liable person was informed of the proceedings or indicated an intention not to contest them.
- 7 (1) The financial penalty is for an amount less than 70 euros.

Status: This is the original version (as it was originally enacted).

- (2) For the purposes of sub-paragraph (1), if the amount of a financial penalty is specified in a currency other than the euro, that amount must be converted to euros by reference to the London closing exchange rate on the date the decision was made.
- (3) The Lord Chancellor may by order substitute a different amount for the amount for the time being specified in sub-paragraph (1).