



# 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*

#### **82 Requests to other member States: Northern Ireland**

- (1) A designated officer of the [<sup>F1</sup>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—

*Changes to legislation: Criminal Justice and Immigration Act 2008, Section 82 is up to date with all changes known to be in force on or before 23 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)*

- (a) “designated officer of the [<sup>F2</sup>Department of Justice]” means a [<sup>F3</sup>civil servant in the Department of Justice] designated by the [<sup>F4</sup>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 <sup>F5</sup>... in Northern Ireland by virtue of Article 96 of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I.26));
  - (vi) any other financial penalty, within the meaning of the Framework Decision on financial penalties, specified in an order made by the [<sup>F6</sup>Department of Justice].

#### Annotations:

##### Amendments (Textual)

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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

- I1** S. 82 in force at 1.10.2009 by [S.I. 2009/2606](#), art. 2(c)

**Changes to legislation:**

Criminal Justice and Immigration Act 2008, Section 82 is up to date with all changes known to be in force on or before 23 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\(3\)](#)