



# 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*

#### **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 [<sup>F1</sup>Department of Justice]—
    - [<sup>F2</sup>(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)).

<sup>F3</sup>(2) .....

- (3) <sup>F4</sup>... the [<sup>F5</sup>Department of Justice] must give the documents mentioned in subsection (1) (a) to the clerk of petty sessions <sup>F4</sup>....

- (4) Where the [<sup>F6</sup>Department of Justice] acts under subsection <sup>F7</sup>... (3), the [<sup>F6</sup>Department of Justice] must also give the clerk of petty sessions a notice—
- (a) stating whether the [<sup>F6</sup>Department of Justice] thinks that any of the grounds for refusal apply (see section 91(2)), and
  - (b) giving reasons for that opinion.

<sup>F8</sup>(5) .....

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*Changes to legislation: Criminal Justice and Immigration Act 2008, Section 87 is up to date with all changes known to be in force on or before 29 March 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)*

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(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 [<sup>F9</sup>Department of Justice],

this section applies as if the competent authority or central authority of the other member State gave the documents to the [<sup>F9</sup>Department of Justice].

[<sup>F10</sup>(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)**

- F1** 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)
- F2** 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**
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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**

- I1** S. 87 in force at 1.10.2009 by [S.I. 2009/2606](#), art. 2(h)

**Changes to legislation:**

Criminal Justice and Immigration Act 2008, Section 87 is up to date with all changes known to be in force on or before 29 March 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\(3\)](#)