

SCHEDULE 3

Mutual recognition of financial penalties: amendments of Criminal Justice and Immigration Act 2008

16.—(1) Schedule 19 (grounds for refusal to enforce financial penalties)^{M1} is amended as follows.

(2) Before paragraph 1 insert—

“**A1.** The certificate is incomplete or obviously does not correspond to the decision.”.

(3) After paragraph 2 insert—

“**2A.** Enforcement of the financial penalty is statute-barred under the law of the relevant part of the United Kingdom and the decision was made in respect of conduct that, under the law of that part of the United Kingdom, falls within its jurisdiction.”.

(4) In paragraph 3, omit sub-paragraph (2).

(5) After paragraph 3 insert—

“**3A.** The decision was made in respect of conduct—

(a) that occurred in the relevant part of the United Kingdom, and

(b) does not constitute an offence under the law of that part of the United Kingdom.”.

(6) In paragraph 4, omit sub-paragraph (2).

(7) After paragraph 5 insert—

“**5A.** It appears that the decision was in fact made for the purpose of punishing the liable person on account of the liable person's race, ethnic origin, religion, nationality, language, gender, sexual orientation or political opinions.”.

(8) For paragraph 6 substitute—

“**6.**—(1) The certificate indicates that the proceedings in which the decision was made were conducted in writing but does not confirm that the liable person was informed of—

(a) the right to contest the proceedings, and

(b) the time limits that applied to the exercise of that right.

(2) The certificate indicates that the proceedings in which the decision was made provided for a hearing to take place and that the liable person did not attend but does not contain the statement described in—

(a) Article 7(2)(i)(i) (liable person summoned in person or by other means actually notified of scheduled date and place of hearing and informed that decision may be made in his or her absence),

(b) Article 7(2)(i)(ii) (liable person's defence conducted at hearing by authorised legal representative),

(c) Article 7(2)(i)(iii) (liable person indicated intention not to contest decision or did not exercise right to further hearing or appeal within time limit), or

(d) Article 7(2)(j) (liable person expressly waived right to attend and indicated intention not to contest proceedings).

(3) In this paragraph references to Articles are to Articles of the Framework Decision on financial penalties.”.

(9) In paragraph 47, in sub-paragraph (1), after paragraph (b) insert—

“(c) “relevant part of the United Kingdom” means—

Changes to legislation: There are currently no known outstanding effects for the The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014, Paragraph 16. (See end of Document for details)

- (i) England and Wales, in the application of this Schedule to England and Wales, and
- (ii) Northern Ireland, in the application of this Schedule to Northern Ireland.”

Marginal Citations

M1 [Schedule 19](#) was amended by [S.I. 2010/976](#).

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014, Paragraph 16.