



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XI

#### SENTENCING

*<sup>F1</sup>The mutual recognition of criminal financial penalties*

#### Textual Amendments

- F1** Ss. 223A-223T and cross-heading inserted (12.10.2009) by The Mutual Recognition of Criminal Financial Penalties in the [European Union \(Scotland\) Order 2009 \(S.S.I. 2009/342\)](#), **art. 3** (with art. 2)

#### <sup>F2</sup>223A Recognition of financial penalties: requests to other member States

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#### Textual Amendments

- F2** Ss. 223A-223FA omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(3), **3(3)** (with reg. 6)

#### <sup>F2</sup>223B Requests to other member States: procedure on issue of certificate

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#### Textual Amendments

- F2** Ss. 223A-223FA omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(3), **3(3)** (with reg. 6)

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*Changes to legislation: Criminal Procedure (Scotland) Act 1995, Cross Heading: The mutual recognition of criminal financial penalties is up to date with all changes known to be in force on or before 06 April 2024. 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) View outstanding changes*

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**F2 223C Requests to other member States: application of provisions relating to fines**

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**Textual Amendments**

**F2** Ss. 223A-223FA omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(3), **3(3)** (with reg. 6)

**F2 223D Requests to other member States: application of provisions relating to compensation orders**

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**Textual Amendments**

**F2** Ss. 223A-223FA omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(3), **3(3)** (with reg. 6)

**F2 223E Requests to other member States: application of provisions relating to fixed penalties**

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**Textual Amendments**

**F2** Ss. 223A-223FA omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(3), **3(3)** (with reg. 6)

**F2 223F Recognition of financial penalties: requests from other member States**

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**Textual Amendments**

**F2** Ss. 223A-223FA omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(3), **3(3)** (with reg. 6)

**F2 223FA Requests from other member States: procedure where no certificate**

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**Textual Amendments**

**F2** Ss. 223A-223FA omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(3), **3(3)** (with reg. 6)

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*Changes to legislation:* Criminal Procedure (Scotland) Act 1995, Cross Heading: The mutual recognition of criminal financial penalties is up to date with all changes known to be in force on or before 06 April 2024. 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) View outstanding changes

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**F<sup>3</sup>223G Requests from other member States: return of certificate**

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**Textual Amendments**

**F3** S. 223G repealed (1.12.2014) by [The Mutual Recognition of Criminal Financial Penalties in the European Union \(Scotland\) \(No. 1\) Order 2014 \(S.S.I. 2014/322\)](#), arts. 1, 5

**F<sup>4</sup>223H Requests from other member States: procedure on receipt of certificate**

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**Textual Amendments**

**F4** Ss. 223H-223T omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(3), **3(3)** (with reg. 6)

**F<sup>4</sup>223I Requests from other member States: action undertaken under certificate**

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**Textual Amendments**

**F4** Ss. 223H-223T omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(3), **3(3)** (with reg. 6)

**F<sup>4</sup>223J Requests from other member States: application of provisions in relation to fines**

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**Textual Amendments**

**F4** Ss. 223H-223T omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(3), **3(3)** (with reg. 6)

**F<sup>4</sup>223K Requests from other member States: supplementary provisions in relation to fines**

.....

**Textual Amendments**

**F4** Ss. 223H-223T omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(3), **3(3)** (with reg. 6)

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*Changes to legislation: Criminal Procedure (Scotland) Act 1995, Cross Heading: The mutual recognition of criminal financial penalties is up to date with all changes known to be in force on or before 06 April 2024. 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) View outstanding changes*

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**F<sup>4</sup>223L Requests from other member States: action for enforcement where financial penalty not recovered**

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**Textual Amendments**

**F4** Ss. 223H-223T omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(3), **3(3)** (with reg. 6)

**F<sup>4</sup>223M Requests from other member States: application of provisions relating to orders for compensation**

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**Textual Amendments**

**F4** Ss. 223H-223T omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(3), **3(3)** (with reg. 6)

**F<sup>4</sup>223N Requests from other member States: supplementary provisions in relation to orders for compensation**

.....

**Textual Amendments**

**F4** Ss. 223H-223T omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(3), **3(3)** (with reg. 6)

**F<sup>4</sup>223O Requests from other member States: application of provisions relating to fixed penalties**

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**Textual Amendments**

**F4** Ss. 223H-223T omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(3), **3(3)** (with reg. 6)

**F<sup>4</sup>223P Transfer of certificates to central authority for England and Wales, or to central authority for Northern Ireland**

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**Changes to legislation:** *Criminal Procedure (Scotland) Act 1995, Cross Heading: The mutual recognition of criminal financial penalties is up to date with all changes known to be in force on or before 06 April 2024. 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) View outstanding changes*

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**Textual Amendments**

**F4** Ss. 223H-223T omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(3), **3(3)** (with reg. 6)

**F4 223Q The competent authority for Scotland**

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**Textual Amendments**

**F4** Ss. 223H-223T omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(3), **3(3)** (with reg. 6)

**F4 223R Accrual of monies obtained from the enforcement of financial penalties**

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**Textual Amendments**

**F4** Ss. 223H-223T omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(3), **3(3)** (with reg. 6)

**F4 223S Treatment of compensation monies**

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**Textual Amendments**

**F4** Ss. 223H-223T omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(3), **3(3)** (with reg. 6)

**F4 223T Interpretation of sections 223A to 223S**

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**Textual Amendments**

**F4** Ss. 223H-223T omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(3), **3(3)** (with reg. 6)

**Changes to legislation:**

Criminal Procedure (Scotland) Act 1995, Cross Heading: The mutual recognition of criminal financial penalties is up to date with all changes known to be in force on or before 06 April 2024. 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.

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**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):

- s. 5A inserted by [2010 asp 13 Sch. 7 para. 26](#)
- s. 13(1B)(1C) inserted by [2006 asp 10 s. 82\(2\)](#)
- s. 13(2)(aa) inserted by [2006 asp 10 s. 82\(3\)\(b\)](#)
- s. 13(3A) inserted by [2006 asp 10 s. 82\(4\)](#)
- s. 13(5)(ba) inserted by [2006 asp 10 s. 82\(5\)\(a\)](#)
- s. 13(6)(a)(iii) and word inserted by [2006 asp 10 s. 82\(6\)\(b\)](#)
- s. 13(8) inserted by [2006 asp 10 s. 82\(7\)](#)
- s. 22(5A) inserted by [2007 asp 6 s. 7\(2\)\(g\)](#)
- s. 22A(1A) inserted by [2023 asp 4 s. 1\(2\)](#)
- s. 23B(1)(1A) substituted for s. 23B(1) by [2023 asp 4 s. 2\(2\)\(a\)](#)
- s. 23B(6A) inserted by [2023 asp 4 s. 1\(3\)\(c\)](#)
- s. 23B(8)-(10) inserted by [2023 asp 4 s. 2\(2\)\(c\)](#)
- s. 23C(1A) inserted by [2023 asp 4 s. 2\(3\)\(b\)](#)
- s. 23C(3) inserted by [2023 asp 4 s. 2\(3\)\(c\)](#)
- s. 24(2C) inserted by [2023 asp 4 s. 4\(4\)](#)
- s. 24(2AA) inserted by [2023 asp 4 s. 4\(2\)](#)
- s. 73A inserted by [2004 asp 3 s. 2\(3\)](#)
- s. 167(7D)(7E) inserted by [2007 asp 17 sch. 4 para. 1\(3\)](#)
- s. 167(7D) words substituted by [2010 asp 13 Sch. 3 para. 16\(2\)](#)
- s. 167(7E) words substituted by [2010 asp 13 Sch. 3 para. 16\(3\)](#)
- s. 194ZA repealed by [2014 asp 18 sch. 3 para. 25](#)
- s. 200A inserted by [2016 asp 1 s. 85](#)
- s. 205A added by [1997 c. 48 s. 1\(1\)](#) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); S.S.I. 2003/288, art. 2, Sch.)
- s. 210ZA inserted by [2023 asp 4 s. 5](#)
- s. 249(4A)-(4D) inserted by [2014 asp 1 s. 24](#)
- s. 271D(4A) inserted by [2019 asp 8 s. 6\(4\)](#)
- s. 271F(2)(aa) inserted by [2019 asp 8 s. 10\(4\)](#)
- s. 271AA inserted by [2019 asp 8 s. 6\(2\)](#)
- s. 271BZD inserted by [2019 asp 8 s. 3\(2\)](#)
- s. 288AB288AC inserted by [2024 asp 1 s. 32\(3\)](#)
- Sch. 5A added by [1997 c. 48 s. 1\(2\)](#) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); S.S.I. 2003/288, art. 2, Sch.)