



# 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*

#### **84 Requests from other member States: England and Wales**

- (1) This section applies where—
  - (a) the competent authority or central authority of a member State other than the United Kingdom gives the Lord Chancellor—
    - (i) a certificate requesting enforcement under the Framework Decision on financial penalties, and
    - (ii) the decision, or a certified copy of the decision, requiring payment of the financial penalty to which the certificate relates, and
  - (b) the financial penalty is suitable for enforcement in England and Wales (see section 91(1)).
- (2) If the certificate states that the person required to pay the financial penalty is normally resident in England and Wales, the Lord Chancellor must give the documents mentioned in subsection (1)(a) to the designated officer for the local justice area in which it appears that the person is normally resident.
- (3) Otherwise, the Lord Chancellor must give the documents mentioned in subsection (1) (a) to the designated officer for such local justice area as appears appropriate.
- (4) Where the Lord Chancellor acts under subsection (2) or (3), the Lord Chancellor must also give the designated officer a notice—
  - (a) stating whether the Lord Chancellor thinks that any of the grounds for refusal apply (see section 91(2)), and

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*Status: This is the original version (as it was originally enacted).*

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- (b) giving reasons for that opinion.
- (5) Where the person required to pay the financial penalty is a body corporate, subsection (2) applies as if the reference to the local justice area in which it appears that the person is normally resident were a reference to the local justice area in which it appears that the person has its registered office.
- (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 Lord Chancellor,
- this section applies as if the competent authority or central authority of the other member State gave the documents to the Lord Chancellor.