



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

80 Requests to other member States: England and Wales

- (1) In Schedule 5 to the Courts Act 2003 (c. 39) (collection of fines and other sums imposed on conviction) in paragraph 38 (the range of further steps available against defaulters)—
- (a) after sub-paragraph (1)(e) insert—
 - “(f) subject to sub-paragraph (4), issuing a certificate requesting enforcement under the Framework Decision on financial penalties;”, and
 - (b) after sub-paragraph (3) insert—
 - “(4) A certificate requesting enforcement under the Framework Decision on financial penalties may only be issued where—
 - (a) the sum due is a financial penalty within the meaning of section 80 of the Criminal Justice and Immigration Act 2008, and
 - (b) it appears to the fines officer or the court that P is normally resident, or has property or income, in a member State other than the United Kingdom.
- (5) In this paragraph, references to a certificate requesting enforcement under the Framework Decision on financial penalties are to be construed in accordance with section 92(3) of the Criminal Justice and Immigration Act 2008.”

Status: Point in time view as at 12/04/2010.

Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Recognition of financial penalties: requests to other member States is up to date with all changes known to be in force on or before 21 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)

- (2) The designated officer for a magistrates' court 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,
 - (d) Schedule 5 to the Courts Act 2003 (c. 39) does not apply in relation to the enforcement of the penalty, and
 - (e) 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.
- (3) For the purposes of subsection (2)(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.
- (4) Where the person required to pay the financial penalty is a body corporate, subsection (2)(e) 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.
- (5) In this section, “financial penalty” means—
- (a) a fine imposed by a court in England and Wales on a person's conviction of an offence;
 - (b) any sum payable under a compensation order (within the meaning of section 130(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6));
 - (c) a surcharge under section 161A of the Criminal Justice Act 2003 (c. 44);
 - (d) any sum payable under any such order as is mentioned in paragraphs 1 to 9 of Schedule 9 to the Administration of Justice Act 1970 (c. 31) (orders for payment of costs);
 - (e) any sum payable by virtue of section 137(1) or (1A) of the Powers of Criminal Courts (Sentencing) Act 2000 (orders requiring parents to pay fines etc.);
 - (f) any fine or other sum mentioned in section 82(4)(b)(i) to (iv), or any fine imposed by a court in Scotland, which is enforceable in a local justice area in England and Wales by virtue of section 91 of the Magistrates' Courts Act 1980 (c. 43);
 - (g) any other financial penalty, within the meaning of the Framework Decision on financial penalties, specified in an order made by the Lord Chancellor.

Commencement Information

II S. 80 in force at 1.10.2009 by S.I. 2009/2606, art. 2(a)

81 Procedure on issue of certificate: England and Wales

- (1) This section applies where—
- (a) a magistrates' court or a fines officer has, under paragraph 39(3)(b) or 40 of Schedule 5 to the Courts Act 2003 (c. 39), issued a certificate requesting enforcement under the Framework Decision on financial penalties, or

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- (b) the designated officer for a magistrates' court has issued such a certificate under section 80(2) of this Act.
- (2) The fines officer (in the case of a certificate issued by the officer) or the designated officer for the magistrates' court (in any other case) must give the Lord Chancellor the certificate, together with a certified copy of the decision requiring payment of the financial penalty.
- (3) On receipt of the documents mentioned in subsection (2), the Lord Chancellor must give those documents to the central authority or competent authority of the member State in which the person required to pay the penalty appears to be normally resident or (as the case may be) to have property or income.
- (4) Where a certified copy of the decision is given to the central authority or competent authority of a member State in accordance with subsection (3), no further steps to enforce the decision may be taken in England and Wales except in accordance with provision made by order by the Lord Chancellor.
- (5) Where the person required to pay the financial penalty is a body corporate, subsection (3) applies as if the reference to the member State in which the person appears to be normally resident were a reference to the member State in which the person appears to have its registered office.

Commencement Information

I2 S. 81 in force at 1.10.2009 by S.I. 2009/2606, art. 2(b)

82 Requests to other member States: Northern Ireland

- (1) A designated officer of the [^{F1}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—
 - (a) “designated officer of the [^{F2}Department of Justice]” means a [^{F3}civil servant in the Department of Justice] designated by the [^{F4}Department of Justice] for the purposes of this section;

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- (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 in a petty sessions district 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 [^{F5}Department of Justice] .

Textual Amendments

- 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)(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

- I3** S. 82 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(c)**

83 Procedure on issue of certificate: Northern Ireland

(1) This section applies where a designated officer has issued a certificate under section 82(1).

^{F6}(2)

(3) [^{F7}The Department of Justice must give the documents mentioned in subsection (3A)] to the central authority or competent authority of the member State in which the person

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required to pay the penalty appears to be normally resident or (as the case may be) to have property or income.

[^{F8}(3A) The documents are—

- (a) the certificate;
- (b) a certified copy of the decision requiring payment of the financial penalty.]

(4) Where a certified copy of the decision is given to the central authority or competent authority of a member State in accordance with subsection (3), no further steps to enforce the decision may be taken in Northern Ireland except in accordance with provision made by order by the [^{F9}Department of Justice] .

(5) Where the person required to pay the financial penalty is a body corporate, subsection (3) applies as if the reference to the member State in which the person appears to be normally resident were a reference to the member State in which the person appears to have its registered office.

Textual Amendments

- F6** S. 83(2) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 85(a)** (with arts. 28-31)
- F7** Words in s. 83(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. 85(b)** (with arts. 28-31)
- F8** S. 83(3A) 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. 85(c)** (with arts. 28-31)
- F9** Words in s. 83(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. 85(d)** (with arts. 28-31)

Commencement Information

- I4** S. 83 in force at 1.10.2009 by S.I. 2009/2606, **art. 2(d)**

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