

*Status: Point in time view as at 01/10/2009.*

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## SCHEDULES

### SCHEDULE 19

Section 91(2)

#### GROUND FOR REFUSAL TO ENFORCE FINANCIAL PENALTIES

##### PART 1

###### THE GROUNDS FOR REFUSAL

- 1 A penalty (of any kind) has been imposed on the liable person in respect of the conduct to which the certificate relates under the law of any part of the United Kingdom (whether or not the penalty has been enforced).

###### Commencement Information

**I1** Sch. 19 para. 1 in force at 1.10.2009 by [S.I. 2009/2606](#), [art. 2\(r\)](#)

- 2 A penalty (of any kind) has been imposed on the liable person in respect of that conduct under the law of any member State, other than the United Kingdom and the issuing State, and that penalty has been enforced.

###### Commencement Information

**I2** Sch. 19 para. 2 in force at 1.10.2009 by [S.I. 2009/2606](#), [art. 2\(r\)](#)

- 3 (1) The decision was made in respect of conduct—
- (a) that is not specified in Part 2 of this Schedule, and
  - (b) would not constitute an offence under the law of the relevant part of the United Kingdom if it occurred in that part.
- (2) In sub-paragraph (1), “the relevant part of the United Kingdom” means—
- (a) in the application of this Schedule to England and Wales, England and Wales, and
  - (b) in the application of this Schedule to Northern Ireland, Northern Ireland.

###### Commencement Information

**I3** Sch. 19 para. 3 in force at 1.10.2009 by [S.I. 2009/2606](#), [art. 2\(r\)](#)

- 4 (1) The decision was made in respect of conduct—
- (a) that occurred outside the territory of the issuing State, and
  - (b) would not constitute an offence under the law of the relevant part of the United Kingdom if it occurred outside that part.

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(2) In sub-paragraph (1), “the relevant part of the United Kingdom” has the same meaning as in paragraph 3(2).

**Commencement Information**

**I4** Sch. 19 para. 4 in force at 1.10.2009 by [S.I. 2009/2606](#), [art. 2\(r\)](#)

5 The decision was made in respect of conduct by a person who was under the age of 10 when the conduct took place.

**Commencement Information**

**I5** Sch. 19 para. 5 in force at 1.10.2009 by [S.I. 2009/2606](#), [art. 2\(r\)](#)

6 The certificate does not confirm that—

- (a) if the proceedings in which the decision was made were conducted in writing, the liable person was informed of the right to contest the proceedings and of the time limits that applied to the exercise of that right;
- (b) if those proceedings provided for a hearing to take place and the liable person did not attend, the liable person was informed of the proceedings or indicated an intention not to contest them.

**Commencement Information**

**I6** Sch. 19 para. 6 in force at 1.10.2009 by [S.I. 2009/2606](#), [art. 2\(r\)](#)

7 (1) The financial penalty is for an amount less than 70 euros.

(2) For the purposes of sub-paragraph (1), if the amount of a financial penalty is specified in a currency other than the euro, that amount must be converted to euros by reference to the London closing exchange rate on the date the decision was made.

(3) The Lord Chancellor may by order substitute a different amount for the amount for the time being specified in sub-paragraph (1).

**Commencement Information**

**I7** Sch. 19 para. 7 in force at 1.10.2009 by [S.I. 2009/2606](#), [art. 2\(r\)](#)

## PART 2

### EUROPEAN FRAMEWORK LIST (FINANCIAL PENALTIES)

8 Participation in a criminal organisation.

**Commencement Information**

**I8** Sch. 19 para. 8 in force at 1.10.2009 by [S.I. 2009/2606](#), [art. 2\(r\)](#)

9 Terrorism.

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**Commencement Information**

**I9** Sch. 19 para. 9 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

10 Trafficking in human beings.

**Commencement Information**

**I10** Sch. 19 para. 10 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

11 Sexual exploitation of children and child pornography.

**Commencement Information**

**I11** Sch. 19 para. 11 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

12 Illicit trafficking in narcotic drugs and psychotropic substances.

**Commencement Information**

**I12** Sch. 19 para. 12 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

13 Illicit trafficking in weapons, munitions and explosives.

**Commencement Information**

**I13** Sch. 19 para. 13 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

14 Corruption.

**Commencement Information**

**I14** Sch. 19 para. 14 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

15 Fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests.

**Commencement Information**

**I15** Sch. 19 para. 15 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

16 Laundering of the proceeds of crime.

**Commencement Information**

**I16** Sch. 19 para. 16 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

17 Counterfeiting currency, including of the euro.

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**Commencement Information**

**I17** Sch. 19 para. 17 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

18 Computer-related crime.

**Commencement Information**

**I18** Sch. 19 para. 18 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

19 Environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties.

**Commencement Information**

**I19** Sch. 19 para. 19 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

20 Facilitation of unauthorised entry and residence.

**Commencement Information**

**I20** Sch. 19 para. 20 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

21 Murder, grievous bodily injury.

**Commencement Information**

**I21** Sch. 19 para. 21 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

22 Illicit trade in human organs and tissue.

**Commencement Information**

**I22** Sch. 19 para. 22 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

23 Kidnapping, illegal restraint and hostage-taking.

**Commencement Information**

**I23** Sch. 19 para. 23 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

24 Racism and xenophobia.

**Commencement Information**

**I24** Sch. 19 para. 24 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

25 Organised or armed robbery.

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**Commencement Information**

**I25** Sch. 19 para. 25 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

26 Illicit trafficking in cultural goods, including antiques and works of art.

**Commencement Information**

**I26** Sch. 19 para. 26 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

27 Swindling.

**Commencement Information**

**I27** Sch. 19 para. 27 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

28 Racketeering and extortion.

**Commencement Information**

**I28** Sch. 19 para. 28 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

29 Counterfeiting and piracy of products.

**Commencement Information**

**I29** Sch. 19 para. 29 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

30 Forgery of administrative documents and trafficking therein.

**Commencement Information**

**I30** Sch. 19 para. 30 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

31 Forgery of means of payment.

**Commencement Information**

**I31** Sch. 19 para. 31 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

32 Illicit trafficking in hormonal substances and other growth promoters.

**Commencement Information**

**I32** Sch. 19 para. 32 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

33 Illicit trafficking in nuclear or radioactive materials.

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**Commencement Information**

**I33** Sch. 19 para. 33 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

34 Trafficking in stolen vehicles.

**Commencement Information**

**I34** Sch. 19 para. 34 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

35 Rape.

**Commencement Information**

**I35** Sch. 19 para. 35 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

36 Arson.

**Commencement Information**

**I36** Sch. 19 para. 36 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

37 Crimes within the jurisdiction of the International Criminal Court.

**Commencement Information**

**I37** Sch. 19 para. 37 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

38 Unlawful seizure of aircraft or ships.

**Commencement Information**

**I38** Sch. 19 para. 38 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

39 Sabotage.

**Commencement Information**

**I39** Sch. 19 para. 39 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

40 Conduct which infringes road traffic regulations, including breaches of regulations pertaining to driving hours and rest periods and regulations on hazardous goods.

**Commencement Information**

**I40** Sch. 19 para. 40 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

41 Smuggling of goods.

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**Commencement Information**

**I41** Sch. 19 para. 41 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

42 Infringement of intellectual property rights.

**Commencement Information**

**I42** Sch. 19 para. 42 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

43 Threats and acts of violence against persons, including violence during sport events.

**Commencement Information**

**I43** Sch. 19 para. 43 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

44 Criminal damage.

**Commencement Information**

**I44** Sch. 19 para. 44 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

45 Theft.

**Commencement Information**

**I45** Sch. 19 para. 45 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

46 Offences created by the issuing State and serving the purpose of implementing obligations arising from instruments adopted under the treaty establishing the European Community or under Title VI of the Treaty on European Union.

**Commencement Information**

**I46** Sch. 19 para. 46 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**

### PART 3

#### INTERPRETATION

- 47 (1) In this Schedule—
- (a) “conduct” includes any act or omission;
  - (b) “liable person” means the person required to pay the financial penalty to which the certificate relates.
- (2) If the decision was made in respect of conduct by a person other than the liable person, the references in paragraph 6 to the liable person are to be read as references to that other person.

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#### **Commencement Information**

**I47** Sch. 19 para. 47 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(r)**



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