

Status: Point in time view as at 03/12/2014.

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SCHEDULES

SCHEDULE 19

Section 91(2)

GROUND FOR REFUSAL TO ENFORCE FINANCIAL PENALTIES

PART 1

THE GROUNDS FOR REFUSAL

[^{F1}A1. The certificate is incomplete or obviously does not correspond to the decision.]

Textual Amendments

F1 Sch. 19 para. A1 inserted (3.12.2014) by The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141), reg. 1(b), Sch. 3 para. 16(2)

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)

[^{F2}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.]

Textual Amendments

F2 Sch. 19 para. 2A inserted (3.12.2014) by The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141), reg. 1(b), Sch. 3 para. 16(3)

3 (1) The decision was made in respect of conduct—
(a) that is not specified in Part 2 of this Schedule, and

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- (b) would not constitute an offence under the law of the relevant part of the United Kingdom if it occurred in that part.

^{F3}(2)

Textual Amendments

F3 Sch. 19 para. 3(2) omitted (3.12.2014) by virtue of [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 16(4)**

Commencement Information

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

- [^{F4}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.]

Textual Amendments

F4 Sch. 19 para. 3A inserted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 16(5)**

- 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.

^{F5}(2)

Textual Amendments

F5 Sch. 19 para. 4(2) omitted (3.12.2014) by virtue of [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 16(6)**

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)**

- [^{F6}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.]

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Textual Amendments

F6 Sch. 19 para. 5A inserted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 16(7)**

- [^{F7}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.]

Textual Amendments

F7 Sch. 19 para. 6 substituted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 16(8)**

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).
- [^{F8}(4) In the application of this Schedule to Northern Ireland, in sub-paragraph (3) the reference to the Lord Chancellor is to be read as a reference to the Department of Justice.]

Textual Amendments

F8 Sch. 19 para. 7(4) 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. 96** (with arts. 28-31)

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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.

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\(r\)](#)

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- 15 Fraud, including that affecting the financial interests of [^{F9}the European Union] within the meaning of the Convention of 26 July 1995 on the protection of [^{F9}the European Union] ' financial interests.

Textual Amendments

F9 Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 4 (with art. 3(2)(3)4(2)6(4)(5))

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.

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.

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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.

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.

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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.

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.

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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.

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 [F10] under the Treaty establishing the European Community or Title VI of the Treaty on European Union (as they had

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effect before 1 December 2009) or under the Treaty on the Functioning of the European Union] .

Textual Amendments

F10 Words in Sch. 19 para. 46 substituted (1.8.2012) by [The Treaty of Lisbon \(Changes in Terminology or Numbering\) Order 2012 \(S.I. 2012/1809\)](#), art. 2(1), **Sch. Pt. 1** (with art. 2(2))

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;
 - [^{F11}(c) “relevant part of the United Kingdom” means—
 - (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.]
- (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.

Textual Amendments

F11 Sch. 19 para. 47(1)(c) inserted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), reg. 1(b), **Sch. 3 para. 16(9)**

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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