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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 339**

**The Criminal Justice (EU Exit) (Scotland)  
(Amendment etc.) Regulations 2020**

**PART 2**

**Council Framework Decision 2005/214/JHA on the application  
of the principle of mutual recognition of financial penalties**

**Transitional and saving provision: decisions requiring payment of financial penalties  
received before IP completion day**

**6.—(1)** The following provisions of the 1995 Act continue to apply to relevant decisions requiring payment of financial penalties as if the provisions had not been repealed or amended by regulation 3(1)—

- (a) sections 223A to 223E,
- (b) sections 223F and 223FA,
- (c) sections 223H to 223T,
- (d) section 226B(6A) and (7),
- (e) section 226I(1) and (1A),
- (f) schedule 11,
- (g) schedule 12.

(2) In paragraph (1) “relevant decisions requiring payment of financial penalties” are decisions which, together with a certificate, have been received before IP completion day by—

- (a) the central authority, or the competent authority, of a member State under section 223B(3) of the 1995 Act (requests to other member States: procedure on issue of certificate), or by any other authority of the member State with no jurisdiction to enforce a penalty but which transmits the decision and certificate to the competent authority, or
- (b) the central authority for Scotland under section 223F(1)(a) of the 1995 Act (recognition of financial penalties: requests from other member States), or by any other authority in Scotland with no jurisdiction to enforce a penalty but which transmits the decision and certificate to the competent authority, where the financial penalty to which the certificate relates meets the requirements of section 223F(1)(b) of the 1995 Act.

(3) For the purposes of this regulation—

- (a) “central authority”, “central authority for Scotland” and “certificate” have the same meaning as in section 223T of the 1995 Act (interpretation of sections 223A to 223S),
- (b) “competent authority” in relation to a member State means an authority designated by the State as a competent authority for the purposes of Council Framework Decision 2005/214/

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties<sup>(2)</sup> as amended by Council Framework Decision 2009/299/JHA<sup>(3)</sup>,
- (c) the provisions of the 1995 Act referred to in paragraph (1) are to be read as if the term “member State” included the United Kingdom.

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(2) OJ L 76,22.03.2005, p.16.  
(3) OJ L 81, 27.03.2009, p.24.