

SCHEDULES

SCHEDULE 18

Amendments relating to Article 15(1) to (4) etc

PART 1

Acts of the Parliament of the United Kingdom

Criminal Justice and Immigration Act 2008

95.—(1) Amend Schedule 18 (penalties suitable for enforcement in England and Wales or Northern Ireland) as follows.

(2) In paragraph 5—

(a) in sub-paragraph (2) for “The” substitute “If the certificate was given to the Lord Chancellor by the competent authority or central authority of another member State or by the central authority for Scotland (and not by the Department of Justice under section 90A), the”;

(b) after sub-paragraph (3) insert—

“(4) If the certificate was given to the Department of Justice by the competent authority or central authority of another member State or by the central authority for Scotland (and not by the Lord Chancellor under section 90A), the financial penalty is suitable for enforcement in Northern Ireland unless it is suitable for enforcement in England and Wales by virtue of sub-paragraph (5).

(5) The financial penalty is suitable for enforcement in England and Wales if the Department of Justice thinks that it is more appropriate for the penalty to be enforced in England and Wales than in Northern Ireland.”

(3) In paragraph 6—

(a) in sub-paragraph (2) after “(3)” insert “or (4)”;

(b) in sub-paragraph (3)(a) after “Scotland” insert “or by the Department of Justice under section 90A”;

(c) after sub-paragraph (3) insert—

“(4) This sub-paragraph applies if—

(a) the Lord Chancellor was given the certificate by the Department of Justice under section 90A,

(b) the Department of Justice was not given the certificate by the central authority for Scotland, and

(c) the Lord Chancellor thinks that it is more appropriate for the financial penalty to be enforced in Scotland than in England and Wales.”

(4) In paragraph 7—

Changes to legislation: *There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Paragraph 95. (See end of Document for details)*

- (a) in sub-paragraph (2) after “(3)” insert “or (4)”;
- (b) in sub-paragraph (3)(a) and (b) for “Lord Chancellor” substitute “Department of Justice”;
- (c) in sub-paragraph (3)(a) after “Scotland” insert “or by the Lord Chancellor under section 90A”;
- (d) after sub-paragraph (3) insert—
 - “(4) This sub-paragraph applies if—
 - (a) the Department of Justice was given the certificate by the Lord Chancellor under section 90A,
 - (b) the Lord Chancellor was not given the certificate by the central authority for Scotland, and
 - (c) the Department of Justice thinks that it is more appropriate for the financial penalty to be enforced in Scotland than in Northern Ireland.”
- (5) In paragraph 8—
 - (a) in sub-paragraph (2) for “The” substitute “If the certificate was given to the Lord Chancellor by the competent authority or central authority of another member State or by the central authority for Scotland (and not by the Department of Justice under section 90A), the”;
 - (b) after sub-paragraph (5) insert—
 - “(6) If the certificate was given to the Department of Justice by the competent authority or central authority of another member State or by the central authority for Scotland (and not by the Lord Chancellor under section 90A), the financial penalty is suitable for enforcement in Northern Ireland unless—
 - (a) it is suitable for enforcement in England and Wales by virtue of sub-paragraph (7) or (8), or
 - (b) sub-paragraph (9) applies.
 - (7) The financial penalty is suitable for enforcement in England and Wales if—
 - (a) the Department of Justice was given the certificate by the competent authority or central authority of another member State (and not by the central authority for Scotland), and
 - (b) the Department of Justice thinks that it is more appropriate for the financial penalty to be enforced in England and Wales than in Northern Ireland or Scotland.
 - (8) The financial penalty is suitable for enforcement in England and Wales if—
 - (a) the Department of Justice was given the certificate by the central authority for Scotland, and
 - (b) the Department of Justice thinks that it is more appropriate for the financial penalty to be enforced in England and Wales than in Northern Ireland.
 - (9) This sub-paragraph applies if—
 - (a) the Department of Justice was given the certificate by the competent authority or central authority of another member State (and not by the central authority for Scotland), and
 - (b) the Department of Justice thinks that it is more appropriate for the financial penalty to be enforced in Scotland than in Northern Ireland or England and Wales.”

Changes to legislation: *There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Paragraph 95. (See end of Document for details)*

Commencement Information

II Sch. 18 para. 95 in force at 12.4.2010, see [art. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Paragraph 95.