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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 336**

**The Mutual Recognition of Criminal Financial Penalties  
in the European Union (Scotland) (No. 2) Order 2014**

**Amendment of the Criminal Procedure (Scotland) Act 1995**

5. In Schedule 12(1), for paragraph 6 substitute—

“6. Where the proceedings in which the decision was made were conducted in writing, the certificate does not confirm that 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.

6A.—(1) The certificate—

(a) indicates that the decision is neither the result of—

(i) proceedings conducted in writing; nor

(ii) a trial at which the liable person appeared in person; and

(b) does not state that something which is described in paragraph (i) or (j) of Article 7(2) of the Framework Decision happened.

(2) In sub-paragraph (1), “the Framework Decision” means Council Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties as amended by Council Framework Decision 2009/299/JHA.”.

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(1) Schedule 12 was inserted by the Mutual Recognition of Criminal Financial Penalties in the European Union (Scotland) Order 2009 (S.S.I. 2009/342).