

---

DRAFT STATUTORY INSTRUMENTS

---

**2020 No.**

The Law Enforcement and Security (Separation  
Issues etc.) (EU Exit) Regulations 2020

PART 3

Amendments of the Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019

Chapter 4

Mutual Recognition of Financial Penalties

**Amendment of the Criminal Justice and Immigration Act 2008**

**49.** In regulation 19 (amendment of the 2008 Act)—

- (a) the existing provisions become paragraph (1);
- (b) after paragraph (1) insert—

“(2) See Article 62(1)(d) of the withdrawal agreement and sections 7A and 7C of the European Union (Withdrawal) Act 2018.”

**Transitional and saving provision**

**50.** For regulation 20 (saving provision: requests from member States), including in its heading, substitute—

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

**20.—**(1) The following provisions of the 2008 Act continue to apply, as if they had not been revoked by regulation 19, to relevant decisions requiring payment of financial penalties—

- (a) regulation 80(2) to (5);
- (b) regulations 81 to 90A;
- (c) regulation 91(1) and (2)
- (d) regulation 92;
- (e) Schedule 18;
- (f) Schedule 19;
- (g) paragraph 29(2) to (4) of Schedule 27.

(2) A relevant decision requiring payment of a financial penalty is one received, with a certificate requesting enforcement of a penalty, before IP completion day by—

- (a) the central authority or competent authority of a member State under section 81(3) or (as the case may be) under section 83(3) of the 2008 Act (procedure on issue

- of certificate: England and Wales and procedure on issue of certificate; Northern Ireland), 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 Lord Chancellor or Department of Justice in Northern Ireland under section 84(1) or (as the case may be) under section 87(1) of the 2008 Act (requests from other member States: England and Wales and requests from other member States: Northern Ireland), or by any other authority in England and Wales or Northern Ireland with no jurisdiction to enforce a penalty but which transmits the decision and certificate to the competent authority.
- (3) For the purposes of this regulation—
- (a) “central authority” and “competent authority” has the same meaning as in section 92(1) of the 2008 (interpretation of sections 80 to 91 etc.);
  - (b) “a certificate requesting enforcement” has the same meaning as in section 92(3) of the 2008 Act;
  - (c) for the purposes of this regulation, the provisions of the 2008 Act referred to in paragraph (1) are to be read as if the term “member State” included the United Kingdom.”.