



# Criminal Justice and Immigration Act 2008

## 2008 CHAPTER 4

### PART 6

#### INTERNATIONAL CO-OPERATION IN RELATION TO CRIMINAL JUSTICE MATTERS

##### *Recognition of financial penalties: miscellaneous*

#### **91 Recognition of financial penalties: general**

- (1) Schedule 18 specifies when a financial penalty is suitable for enforcement in England and Wales for the purposes of section 84(1) and when a financial penalty is suitable for enforcement in Northern Ireland for the purposes of section 87(1).
- (2) Schedule 19 specifies the grounds for refusal for the purposes of sections 84(4)(a), 85(3) [<sup>F1</sup>, (4A)] and (5), 87(4)(a) and 88(3) [<sup>F1</sup>, (4A)] and (5).
- (3) The Lord Chancellor may by order make further provision for or in connection with giving effect to the Framework Decision on financial penalties.
- (4) An order under section <sup>F2</sup>... or subsection (3) of this section may in particular modify, amend, repeal or revoke any provision of—
  - (a) any Act (including this Act and any Act passed in the same Session as this Act);
  - (b) subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)) made before the passing of this Act;
  - (c) Northern Ireland legislation passed, or made, before the passing of this Act;
  - (d) any instrument made, before the passing of this Act, under Northern Ireland legislation.

[<sup>F3</sup>(5) In the application of this section to Northern Ireland, in subsection (3) the reference to the Lord Chancellor is to be read as a reference to the Department of Justice.]

*Status: Point in time view as at 17/03/2016.*

*Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Recognition of financial penalties: miscellaneous is up to date with all changes known to be in force on or before 09 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

- F1** Words in s. 91(2) 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. 12(2)**
- F2** Words in s. 91(4) 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. 12(3)**
- F3** S. 91(5) 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. 92(2)** (with arts. 28-31)

#### Commencement Information

- I1** S. 91 in force at 1.10.2009 by [S.I. 2009/2606](#), **art. 2(I)**

## 92 Interpretation of sections 80 to 91 etc.

- (1) In sections 80 to 91 and Schedules 18 and 19—

“central authority”, in relation to a member State other than the United Kingdom, means an authority designated by the State as a central authority for the purposes of the Framework Decision on financial penalties;

“central authority for Scotland” means the person or body which, by virtue of an order under section 56 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6) (recognition of EU financial penalties), acts as the central authority in relation to Scotland for the purposes of the Framework Decision;

“competent authority”, in relation to a member State, means an authority designated by the State as a competent authority for the purposes of that Decision;

[<sup>F4</sup>“Department of Justice” means the Department of Justice in Northern Ireland;]

“the Framework Decision on financial penalties” means the Framework Decision of the Council of the European Union made on 24 February 2005 on the application of the principle of mutual recognition to financial penalties (2005/214/JHA).

- (2) In sections 84 to 91 and Schedules 18 and 19—

“decision” has the meaning given by Article 1 of the Framework Decision on financial penalties (except [<sup>F5</sup>where the context requires otherwise]) ;

“financial penalty” has the meaning given by that Article.

- (3) References in sections 80 to 91 to a certificate requesting enforcement under the Framework Decision on financial penalties are references to such a certificate as is provided for by Article 4 of that Decision.

#### Textual Amendments

- F4** Words in s. 92(1) 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. 93** (with arts. 28-31)
- F5** Words in s. 92(2) 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. 13**

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**Commencement Information**

**I2** S. 92 in force at 1.10.2009 by [S.I. 2009/2606](#), [art. 2\(m\)](#)

**Status:**

Point in time view as at 17/03/2016.

**Changes to legislation:**

Criminal Justice and Immigration Act 2008, Cross Heading: Recognition of financial penalties: miscellaneous is up to date with all changes known to be in force on or before 09 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.