



# Criminal Justice and Immigration Act 2008

## 2008 CHAPTER 4

### PART 6

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

##### *Recognition of financial penalties: requests to other member States*

#### **80 Requests to other member States: England and Wales**

(1) In Schedule 5 to the Courts Act 2003 (c. 39) (collection of fines and other sums imposed on conviction) in paragraph 38 (the range of further steps available against defaulters)—

(a) after sub-paragraph (1)(e) insert—

“(f) subject to sub-paragraph (4), issuing a certificate requesting enforcement under the Framework Decision on financial penalties;”, and

(b) after sub-paragraph (3) insert—

“(4) A certificate requesting enforcement under the Framework Decision on financial penalties may only be issued where—

(a) the sum due is a financial penalty within the meaning of section 80 of the Criminal Justice and Immigration Act 2008, and

(b) it appears to the fines officer or the court that P is normally resident, or has property or income, in a member State other than the United Kingdom.

(5) In this paragraph, references to a certificate requesting enforcement under the Framework Decision on financial penalties are to be construed in accordance with section 92(3) of the Criminal Justice and Immigration Act 2008.”

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*Status: This is the original version (as it was originally enacted).*

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- (2) The designated officer for a magistrates' court may issue a certificate requesting enforcement under the Framework Decision on financial penalties where—
- (a) a person is required to pay a financial penalty,
  - (b) the penalty is not paid in full within the time allowed for payment,
  - (c) there is no appeal outstanding in relation to the penalty,
  - (d) Schedule 5 to the Courts Act 2003 (c. 39) does not apply in relation to the enforcement of the penalty, and
  - (e) it appears to the designated officer that the person is normally resident in, or has property or income in, a member State other than the United Kingdom.
- (3) For the purposes of subsection (2)(c), there is no appeal outstanding in relation to a financial penalty if—
- (a) no appeal has been brought in relation to the imposition of the financial penalty within the time allowed for making such an appeal, or
  - (b) such an appeal has been brought but the proceedings on appeal have been concluded.
- (4) Where the person required to pay the financial penalty is a body corporate, subsection (2)(e) applies as if the reference to the person being normally resident in a member State other than the United Kingdom were a reference to the person having its registered office in a member State other than the United Kingdom.
- (5) In this section, “financial penalty” means—
- (a) a fine imposed by a court in England and Wales on a person's conviction of an offence;
  - (b) any sum payable under a compensation order (within the meaning of section 130(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6));
  - (c) a surcharge under section 161A of the Criminal Justice Act 2003 (c. 44);
  - (d) any sum payable under any such order as is mentioned in paragraphs 1 to 9 of Schedule 9 to the Administration of Justice Act 1970 (c. 31) (orders for payment of costs);
  - (e) any sum payable by virtue of section 137(1) or (1A) of the Powers of Criminal Courts (Sentencing) Act 2000 (orders requiring parents to pay fines etc.);
  - (f) any fine or other sum mentioned in section 82(4)(b)(i) to (iv), or any fine imposed by a court in Scotland, which is enforceable in a local justice area in England and Wales by virtue of section 91 of the Magistrates' Courts Act 1980 (c. 43);
  - (g) any other financial penalty, within the meaning of the Framework Decision on financial penalties, specified in an order made by the Lord Chancellor.