



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 from other member States

85 Procedure on receipt of certificate by designated officer

- (1) This section applies where the Lord Chancellor gives the designated officer for a local justice area—
 - (a) a certificate requesting enforcement under the Framework Decision on financial penalties,
 - (b) the decision, or a certified copy of the decision, requiring payment of the financial penalty to which the certificate relates, and
 - (c) a notice under section 84(4).
- (2) The designated officer must refer the matter to a magistrates' court acting for that area.
- (3) The magistrates' court must decide whether it is satisfied that any of the grounds for refusal apply (see section 91(2)).
- (4) The designated officer must inform the Lord Chancellor of the decision of the magistrates' court.
- (5) Subsection (6) applies unless the magistrates' court is satisfied that one or more of the grounds for refusal apply.
- (6) The enactments specified in subsection (7) apply in relation to the financial penalty as if it were a sum adjudged to be paid by a conviction of the magistrates' court on the date when the court made the decision mentioned in subsection (4).
- (7) The enactments specified in this subsection are—

Status: This is the original version (as it was originally enacted).

- (a) Part 3 of the Magistrates' Courts Act 1980 (c. 43) (satisfaction and enforcement);
 - (b) Schedules 5 and 6 to the Courts Act 2003 (c. 39) (collection of fines etc. and discharge of fines etc. by unpaid work);
 - (c) any subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)) made under the enactments specified in paragraphs (a) and (b).
- (8) If the certificate requesting enforcement under the Framework Decision on financial penalties states that part of the financial penalty has been paid, the reference in subsection (6) to the financial penalty is to be read as a reference to such part of the penalty as remains unpaid.