



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

88 Procedure on receipt of certificate by clerk of petty sessions

- (1) This section applies where the Lord Chancellor gives the clerk of petty sessions for a petty sessions district—
 - (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 87(4).
- (2) The clerk must refer the matter to a magistrates' court acting for the petty sessions district.
- (3) The magistrates' court must decide whether it is satisfied that any of the grounds for refusal apply (see section 91(2)).
- (4) The clerk 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) Part 9 of the Magistrates' Courts (Northern Ireland) Order 1981 ([S.I. 1981/1675 \(N.I.26\)](#)), and any instrument made under that Part, 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).

Status: This is the original version (as it was originally enacted).

- (7) 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.