

Status: Point in time view as at 12/10/2009.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, SCHEDULE 11 is up to date with all changes known to be in force on or before 03 April 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)

SCHEDULES

[^{F1}SCHEDULE 11

Section 223F(7)

FINANCIAL PENALTIES SUITABLE FOR ENFORCEMENT IN SCOTLAND

Textual Amendments

- F1** Sch. 11 inserted (12.10.2009) by The Mutual Recognition of Criminal Financial Penalties in the [European Union \(Scotland\) Order 2009 \(S.S.I. 2009/342\)](#), **art. 8** (with **art. 2**)

Person residing in Scotland

- 1 The financial penalty is suitable for enforcement in Scotland if the certificate states that the person required to pay the penalty is normally resident in Scotland.

Person having property etc. in Scotland

- 2 The financial penalty is suitable for enforcement in Scotland if—
- (a) the certificate states that the person required to pay the penalty has property or a source of income in Scotland, and
 - (b) the certificate does not state—
 - (i) that the person has property or a source of income in England and Wales, or Northern Ireland, or
 - (ii) that the person is normally resident in the United Kingdom.

Person having property etc. in Scotland and England and Wales

- 3 (1) This paragraph applies if—
- (a) the certificate states that the person required to pay the financial penalty has property or a source of income in Scotland,
 - (b) the certificate also states that the person has property or a source of income in England and Wales, and
 - (c) the certificate does not state—
 - (i) that the person has property or a source of income in Northern Ireland, or
 - (ii) that the person is normally resident in the United Kingdom.
- (2) The financial penalty is suitable for enforcement in Scotland unless sub-paragraph (3) applies.
- (3) This sub-paragraph applies if—
- (a) the central authority was given the certificate by the competent authority or central authority of another member State (and not by the authority designated as the central authority for England and Wales, or the central authority for Northern Ireland), and

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- (b) the central authority thinks that it is more appropriate for the financial penalty to be enforced in England and Wales than in Scotland.

Person having property etc. in Scotland and Northern Ireland

- 4 (1) This paragraph applies if—
- (a) the certificate states that the person required to pay the financial penalty has property or a source of income in Scotland,
 - (b) the certificate also states that the person has property or a source of income in Northern Ireland, and
 - (c) the certificate does not state—
 - (i) that the person has property or a source of income in England and Wales, or
 - (ii) that the person is normally resident in the United Kingdom.
- (2) The financial penalty is suitable for enforcement in Scotland unless sub-paragraph (3) applies.
- (3) This sub-paragraph applies if—
- (a) the central authority was given the certificate by the competent authority or central authority of another member State (and not by the authority designated as the central authority for England and Wales, or the central authority for Northern Ireland), and
 - (b) the central authority thinks that it is more appropriate for the financial penalty to be enforced in Northern Ireland than in Scotland.

Person having property etc. in Scotland and England and Wales and Northern Ireland

- 5 (1) This paragraph applies if—
- (a) the certificate states that the person required to pay the financial penalty has property or a source of income in Scotland,
 - (b) the certificate also states that the person has property or a source of income in England and Wales, and Northern Ireland, and
 - (c) the certificate does not state that the person is normally resident in the United Kingdom.
- (2) The financial penalty is suitable for enforcement in Scotland unless the penalty is suitable for enforcement in England and Wales, or in Northern Ireland by virtue of sub-paragraph (3).
- (3) The financial penalty is suitable for enforcement in England and Wales, or in Northern Ireland for the purposes of sub-paragraph (2) if—
- (a) the central authority was given the certificate by the central authority or, as the case may be, the competent authority of another member State (and not by the authority designated as the central authority for England and Wales, or the central authority for Northern Ireland), and
 - (b) the central authority thinks that it is more appropriate for the financial penalty to be enforced in England and Wales, or in Northern Ireland, than in Scotland.

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Interpretation

- 6 Where the person required to pay the financial penalty is a body corporate or a partnership (including a Scottish partnership), this Schedule applies as if—
- (a) the reference in paragraph 1 to the person being normally resident in Scotland were a reference to the person having its registered office or, as the case may be, its principal office of the partnership in Scotland, and
 - (b) any reference to the person being normally resident in the United Kingdom were a reference to the person having its registered office or, as the case may be, its principal office of the partnership in the United Kingdom.
- 7 In this Schedule, unless the context otherwise requires, references to the central authority are to the central authority for Scotland.]

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