

*Status: Point in time view as at 01/10/2009.*

**Changes to legislation:** Criminal Justice and Immigration Act 2008, SCHEDULE 18 is up to date with all changes known to be in force on or before 06 January 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

### SCHEDULE 18

Section 91(1)

#### PENALTIES SUITABLE FOR ENFORCEMENT IN ENGLAND AND WALES OR NORTHERN IRELAND

##### *Person residing in England and Wales*

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

##### **Commencement Information**

**I1** Sch. 18 para. 1 in force at 1.10.2009 by S.I. 2009/2606, art. 2(q)

##### *Person residing in Northern Ireland*

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

##### **Commencement Information**

**I2** Sch. 18 para. 2 in force at 1.10.2009 by S.I. 2009/2606, art. 2(q)

##### *Person having property etc. in England and Wales*

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

##### **Commencement Information**

**I3** Sch. 18 para. 3 in force at 1.10.2009 by S.I. 2009/2606, art. 2(q)

##### *Person having property etc. in Northern Ireland*

- 4 The financial penalty is suitable for enforcement in Northern Ireland if—

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

**Commencement Information**

**I4** Sch. 18 para. 4 in force at 1.10.2009 by S.I. 2009/2606, art. 2(q)

*Person having property etc. in 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 England and Wales,
  - (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 Scotland, or
    - (ii) that the person is normally resident in the United Kingdom.
- (2) The financial penalty is suitable for enforcement in England and Wales unless it is suitable for enforcement in Northern Ireland by virtue of sub-paragraph (3).
- (3) The financial penalty is suitable for enforcement in Northern Ireland if the Lord Chancellor thinks that it is more appropriate for the penalty to be enforced in Northern Ireland than in England and Wales.

**Commencement Information**

**I5** Sch. 18 para. 5 in force at 1.10.2009 by S.I. 2009/2606, art. 2(q)

*Person having property etc. in England and Wales and Scotland*

- 6 (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 England and Wales,
  - (b) the certificate also states that the person has property or a source of income in Scotland, 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 England and Wales unless sub-paragraph (3) applies.
- (3) This sub-paragraph applies if—

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- (a) the Lord Chancellor was given the certificate by the competent authority or central authority of another member State (and not by the central authority for Scotland), and
- (b) the Lord Chancellor thinks that it is more appropriate for the financial penalty to be enforced in Scotland than in England and Wales.

#### Commencement Information

**I6** Sch. 18 para. 6 in force at 1.10.2009 by S.I. 2009/2606, art. 2(q)

#### *Person having property etc. in Northern Ireland and Scotland*

- 7
- (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 Northern Ireland,
    - (b) the certificate also states that the person has property or a source of income in Scotland, 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 Northern Ireland unless sub-paragraph (3) applies.
  - (3) This sub-paragraph applies if—
    - (a) the Lord Chancellor was given the certificate by the competent authority or central authority of another member State (and not by the central authority for Scotland), and
    - (b) the Lord Chancellor thinks that it is more appropriate for the financial penalty to be enforced in Scotland than in Northern Ireland.

#### Commencement Information

**I7** Sch. 18 para. 7 in force at 1.10.2009 by S.I. 2009/2606, art. 2(q)

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

- 8
- (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 Northern Ireland,
    - (b) the certificate also states that the person has property or a source of income in England and Wales and in Scotland, 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 England and Wales unless—
    - (a) the penalty is suitable for enforcement in Northern Ireland by virtue of sub-paragraph (3) or (4), or
    - (b) sub-paragraph (5) applies.

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- (3) The financial penalty is suitable for enforcement in Northern Ireland if—
- (a) the Lord Chancellor was given the certificate by the competent authority or central authority of another member State (and not by the central authority for Scotland), and
  - (b) the Lord Chancellor thinks that it is more appropriate for the financial penalty to be enforced in Northern Ireland than in England and Wales or Scotland.
- (4) The financial penalty is suitable for enforcement in Northern Ireland if—
- (a) the Lord Chancellor was given the certificate by the central authority for Scotland, and
  - (b) the Lord Chancellor thinks that it is more appropriate for the financial penalty to be enforced in Northern Ireland than in England and Wales.
- (5) This sub-paragraph applies if—
- (a) the Lord Chancellor was given the certificate by the competent authority or central authority of another member State (and not by the central authority for Scotland), and
  - (b) the Lord Chancellor thinks that it is more appropriate for the financial penalty to be enforced in Scotland than in England and Wales or Northern Ireland.

**Commencement Information**

**18** Sch. 18 para. 8 in force at 1.10.2009 by S.I. 2009/2606, art. 2(q)

*Interpretation*

- 9 Where the person required to pay the financial penalty is a body corporate, this Schedule applies as if—
- (a) the reference in paragraph 1 to the person being normally resident in England and Wales were a reference to the person having its registered office in England and Wales,
  - (b) the reference in paragraph 2 to the person being normally resident in Northern Ireland were a reference to the person having its registered office in Northern Ireland, and
  - (c) any reference to the person being normally resident in the United Kingdom were a reference to the person having its registered office in the United Kingdom.

**Commencement Information**

**19** Sch. 18 para. 9 in force at 1.10.2009 by S.I. 2009/2606, art. 2(q)

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