

STATUTORY INSTRUMENTS

2019 No. 780

The Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019

PART 5

MUTUAL RECOGNITION OF FINANCIAL PENALTIES

Interpretation

17. In this Part, the “2008 Act” means the Criminal Justice and Immigration Act 2008 ^{M1}.

Commencement Information

I1 Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

Marginal Citations

M1 2008 c. 4.

Amendment of the Courts Act 2003

18. In paragraph 38 of Schedule 5 to the Courts Act 2003 (the range of further steps available against defaulters) ^{M2}, omit—

- (a) sub-paragraph (1)(f);
- (b) sub-paragraph (4);
- (c) sub-paragraph (5).

Commencement Information

I2 Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

Marginal Citations

M2 2003 c. 39, sub-paragraphs (1)(f), (4) and (5) of paragraph 38 were inserted by section 80(1) of the Criminal Justice and Immigration Act 2008 (c. 4).

Amendment of the 2008 Act

19.—^{F1}(1) In the 2008 Act, omit—

- (a) sections 80 to 92 (recognition of financial penalties) ^{M3};

- (b) section 147(5)(d) (orders, rules and regulations) ^{M4};
- (c) Schedule 18 (penalties suitable for enforcement in England and Wales or Northern Ireland) ^{M5};
- (d) Schedule 19 (grounds for refusal to enforce financial penalties) ^{M6};
- (e) paragraph 29 of Schedule 27 (mutual recognition of financial penalties).

[^{F2}(2) See Article 62(1)(d) of the withdrawal agreement and sections 7A and 7C of the European Union (Withdrawal) Act 2018.]

- F1** Reg. 19 renumbered as reg. 19(1) (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **49(a)**
- F2** Reg. 19(2) inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **49(b)**

Commencement Information

- I3** Reg. 19 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

- M3** Section 80 was amended by [S.I. 2016/244](#); section 81 was amended by [S.I. 2014/3141](#); section 82 was amended by paragraph 133 of Schedule 1 and Part 1 of Schedule 9 to the [Justice Act \(Northern Ireland\) 2015 \(c. 9 \(N.I.\)\)](#), S.R. & O. (NI) [2010 No. 133](#) and [S.I. 2010/976](#); sections 83 and 84 were amended by [S.I. 2010/976](#) and 2014/3141; sections 85 and 86 were amended by [S.I. 2014/3141](#); section 87 was amended by paragraph 133 of Schedule 1 and Part 1 of Schedule 9 to the [Justice Act \(Northern Ireland\) 2015 \(c. 9 \(N.I.\)\)](#), [S.I. 2010/976](#) and 2014/3141; section 88 was amended by paragraph 133 of Schedule 1 and Part 1 of Schedule 9 to the [Justice Act \(Northern Ireland\) 2015](#), paragraph 6 of Schedule 2 to the [Justice Act \(Northern Ireland\) 2016 \(c. 21 \(N.I.\)\)](#), [S.I. 2010/976](#) and 2014/3141; sections 89 to 92 were amended by [S.I. 2010/976](#) and 2014/3141.
- M4** Amended by [S.I. 2014/3141](#).
- M5** Amended by [S.I. 2010/976](#).
- M6** Amended by [S.I. 2010/976](#), 2011/1043, 2012/1809, 2014/3141.

[^{F3}Transitional and saving provision: decisions requiring payment of financial penalties received before IP completion day

20.—(1) The following provisions of the 2008 Act continue to apply, as if they had not been revoked by regulation 19, to relevant decisions requiring payment of financial penalties—

- (a) regulation 80(2) to (5);
- (b) regulations 81 to 90A;
- (c) regulation 91(1) and (2)
- (d) regulation 92;
- (e) Schedule 18;
- (f) Schedule 19;
- (g) paragraph 29(2) to (4) of Schedule 27.

(2) A relevant decision requiring payment of a financial penalty is one received, with a certificate requesting enforcement of a penalty, before IP completion day by—

- (a) the central authority or competent authority of a member State under section 81(3) or (as the case may be) under section 83(3) of the 2008 Act (procedure on issue of certificate: England and Wales and procedure on issue of certificate; Northern Ireland), or by any other authority of the member State with no jurisdiction to enforce a penalty but which transmits the decision and certificate to the competent authority; or
 - (b) the Lord Chancellor or Department of Justice in Northern Ireland under section 84(1) or (as the case may be) under section 87(1) of the 2008 Act (requests from other member States: England and Wales and requests from other member States: Northern Ireland), or by any other authority in England and Wales or Northern Ireland with no jurisdiction to enforce a penalty but which transmits the decision and certificate to the competent authority.
- (3) For the purposes of this regulation—
- (a) “central authority” and “competent authority” has the same meaning as in section 92(1) of the 2008 (interpretation of sections 80 to 91 etc.);
 - (b) “a certificate requesting enforcement” has the same meaning as in section 92(3) of the 2008 Act;
 - (c) for the purposes of this regulation, the provisions of the 2008 Act referred to in paragraph (1) are to be read as if the term “member State” included the United Kingdom.]

F3 Reg. 20 substituted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **50**

Commencement Information

I4 Reg. 20 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019, PART 5.