



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 November 2009

16457/09

COPEN 234

COVER NOTE

from:	Claire Fielder, JHA Counsellor, Permanent Representation of the United Kingdom to the European Union
to:	Ivan Bizjak, Director-General H (JHA), General Secretariat of the Council
date of receipt:	16 October 2009
Subject:	Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties - Notification letter

Delegations will find in the annex a notification letter from the United Kingdom.

Ivan Bizjak
Director-General
Directorate General H (JHA)
General Secretariat of the Council
rue de la Loi 175
B - 1048 Brussels

Brussels, 12 October 2009

Dear Mr Bizjak

Declaration of the United Kingdom to the General Secretariat of the Council of the European Union and the European Commission regarding the implementation of the Council Framework Decision (FD) 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition of financial penalties

With reference to Articles 2 (1) and 16 (1) of Council FD 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition of financial penalties, the United Kingdom gives notice to the General Secretariat of the Council of the European Union and the European Commission that it will implement the above FD by 12 October 2009.

Determination of the competent authorities:

The competent authorities, when the United Kingdom is the issuing and executing state, will be the criminal courts as follows:

- A magistrates' court (England and Wales)
- A sheriffs court or JP Court (Scotland)
- The Crown Court, a magistrates' court and any appellate court (Northern Ireland)

Determination of the Central Authorities:

The United Kingdom has set up central authorities responsible for the administrative transmission and reception of decisions in accordance with Article 4 (7). The certificate requesting enforcement under the FD, and the decision (or a certified copy) requiring the payment of a financial penalty, must be sent to the following addresses, depending on whether the sentenced person is resident, or has property or income, in the following jurisdictions of the United Kingdom:

England and Wales:

Mutual Recognition of Financial Penalties Central Authority
London Central Accounts Office
Her Majesty's Courts Service
65 Romney Street
LONDON
SW1P 3RD

Tel: +44 020 805 1890

E-mail GL-mrfp.cao@hmcourts-service.gsi.gov.uk

Fax: 020 7805 1892

Scotland:

The Sheriff Clerk
Sheriff Court House
27 Chambers Street
EDINBURGH
EH1 1LB

Tel: +44 0131-2252525

Fax: 0131-2254422

Email: Edinburgh@scotcourts.gov.uk

Northern Ireland:

Business Development Group
Northern Ireland Court Service
Laganside House
23 - 27 Oxford Street
BELFAST
BT1 3LA

Telephone: 028 90328594

Email: businessdevelopmentgroup@courtsni.gov.uk

Implementation:

With regard to Article 20 (5) of the FD, which requires member States to transmit to the Council and the Commission the text of the provisions transposing into their national law the obligations imposed on them in the FD, I attach a copy of the *Criminal Justice and Immigration Act 2008*, which gives legal effect to the FD in England, Wales and Northern Ireland (sections 80-92 and Schedule 18 & Schedule 19).

For Scotland, I attach a copy of the draft *Mutual Recognition of Criminal Financial Penalties in the European Union (Scotland) Order 2009*. It is subject to the final approval of the Scottish Parliament. The Order was made under powers conferred by sections 56 and 82 of the *Criminal Proceedings etc. (Reform) (Scotland) Act 2007*.

Languages:

With regard to Article 16 (1) of the FD, the United Kingdom will accept certificates only in English.

Compensation payments:

With regard to Article 1 (b) (iii) of the FD, the United Kingdom requires compensation payments to be paid directly to compensatees in the UK in £ sterling.

I am writing in the same terms to the European Commission.

Yours sincerely

Claire Fielder
First Secretary, Justice and Home Affairs
UK Permanent Representation to the U