

SCHEDULES

SCHEDULE 1

SETTING AND ALTERATION OF CERTAIN PENALTIES

Increase of fines for certain summary offences

- 3 (1) The enactments specified in column 2 of Part II of Schedule 2 to this Act, which relate to the maximum fines for the offences mentioned (and broadly described) in column 1 of that Schedule, shall have effect as if the maximum fine that may be imposed on summary conviction of any offence so mentioned were a fine not exceeding the amount specified in column 4 of that Schedule instead of a fine not exceeding the amount specified in column 3 of that Schedule (being the amount of the maximum fine in respect of the offence immediately before the passing of the ^{M1}Criminal Law Act 1977), but this sub-paragraph shall not alter the maximum daily fine, if any, provided for by any of those enactments.
- (2) In section 203 of the ^{M2}Local Government (Scotland) Act 1973 (offences against byelaws), except as applied to byelaws made under any provision contained in a local or private Act other than by a local authority, for any reference to £20 there shall be substituted a reference to £50.
- (3) Subject to sub-paragraph (4) below, this sub-paragraph applies to any pre-1949 enactment however framed or worded which—
- (a) as regards any summary offence makes a person liable on conviction thereof to a fine of, or not exceeding, a specified amount less than £50 which has not been altered since the end of 1948 (and is not altered by this Act); or
 - (b) confers power by subordinate instrument to make a person, as regards any summary offence (whether or not created by the instrument), liable on conviction thereof to a fine of, or a maximum fine of, less than £50 which has not been altered since the end of 1948 (and is not altered by this Act).
- (4) Sub-paragraph (3) above does not apply to any offence to which section 292(2)(b) of the Principal Act applies (offences triable only summarily other than by virtue of express provision).
- (5) Every enactment to which sub-paragraph (3) above applies shall have effect as if for the specified amount less than £50 there mentioned there were substituted—
- (a) £25 if the specified amount is less than £20; or
 - (b) £50 if the specified amount is not less than £20.
- (6) Where, by virtue of any enactment to which sub-paragraph (3) above applies by virtue of sub-sub-paragraph (a) of that sub-paragraph, a person convicted of a summary offence would, apart from this paragraph, be liable to a fine, or maximum fine, of one amount in the case of a first conviction and of a different amount in the case of a second or subsequent conviction, sub-paragraph (5) above shall apply separately in relation to each specified amount less than £50, even if this produces the same instead of different amounts for different convictions.

Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, Cross Heading: Increase of fines for certain summary offences. (See end of Document for details)

- (7) Sub-paragraph (3) above does not apply to so much of any enactment as, in whatever words, makes a person liable or provides for a person to be made liable, on summary conviction, to a fine or a maximum fine for each period of a specified length during which a continuing offence is committed.
- (8) Where an enactment to which sub-paragraph (3) above applies provides or confers a power to provide for, on conviction of an offence triable only summarily, a fine or a maximum fine in respect of a specified quantity or a specified number of things, “the specified amount” for the purposes of subsection (5) above is the fine or maximum fine so provided or for which provision may be made.
- (9) In sub-paragraph (3) above “pre-1949 enactment” means an enactment passed before 1st January 1949 or an enactment passed on or after that date which whether directly or, through successive re-enactments, indirectly re-enacts with or without modification an enactment passed before that date.
- (10) In this paragraph, “enactment” does not include an enactment contained in an order, regulation or other instrument made under an Act.

Marginal Citations

M1 1977 c. 45.

M2 1973 c. 65.

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