
Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, Paragraph 3. (See end of Document for details)

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, Paragraph 3. (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.

Changes to legislation:

There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, Paragraph 3.