



Criminal Procedure (Scotland) Act 1975

1975 CHAPTER 21

PART I

SOLEMN PROCEDURE

CONVICTION AND SENTENCE

Fines

194 Time for payment

The court may allow time for the payment of any fine, or for the finding of caution.

195 Payment by instalments

- (1) Where a court imposes a fine on a person convicted, the court may, either at the same or at any subsequent time, order payment of the fine by instalments of such amounts, and at such times, as it may think fit, and where any instalment is not paid at the time so ordered, that person shall be liable to imprisonment for such period as bears to the period specified in default of payment of the fine the same proportion, as nearly as may be, as the sum of the unpaid instalments bears to the total amount of the fine.
- (2) Where in pursuance of subsection (1) of this section a person is imprisoned in default of payment of any instalment of a fine, and there is paid to the governor of the prison in which the said person is imprisoned a sum in part satisfaction of the sum of the unpaid instalments of the said fine, the term of imprisonment of the said person shall be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days for which he was sentenced as the sum so paid bears to the sum for which he is liable.
- (3) Where a court has imposed a fine on a person convicted and has ordered payment of the fine by instalments in accordance with the terms of subsection (1) of this section, the court may at any time before imprisonment has followed on the sentence, without requiring the attendance of the accused, reduce the amount, or allow further time for

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the payment, of any instalment (whether the time for payment thereof has or has not expired), or order payment of the fine, so far as unpaid, by instalments of smaller amounts or at longer intervals than originally ordered.

(4) The High Court may by Act of Adjournal regulate the procedure to be followed in cases arising under this section.

(5) Schedule 6 to this Act shall apply for the purposes of this section.

196 Fines, etc., may be enforced in other district

Any sentence or decree for any fine or expenses pronounced by any sheriff court may be enforced against the person or effects of any party against whom any such sentence or decree shall have been awarded in any other sheriff court district, as well as in the district where such sentence or decree is pronounced:

Provided that such sentence or decree, or an extract thereof, shall be first produced to and indorsed by the sheriff of such other district competent to have pronounced such sentence or decree in such other district.

197 Imprisonment in default of payment of fine

Where the accused is found liable to a fine, the court may, whether or not the enactment under which the fine is imposed provides any method for its recovery, ordain the accused to be imprisoned in the event of failure to pay the fine, either immediately or within such period as the court may fix; but such imprisonment shall not exceed the maximum period applicable to the fine under section 199 of this Act.

198 Substitution of custody for imprisonment where a child defaults on fine

Where a child would, if he were an adult, be liable to be imprisoned in default of payment of any fine, damages, or expenses, the court may, if it considers that none of the other methods by which the case may legally be dealt with is suitable, order that the child be detained for such period, not exceeding one month, as may be specified in the order in a place chosen by the local authority in whose area the court is situated.

199 Period of imprisonment for non-payment of fine

The maximum period of imprisonment that may be imposed in default of the payment of a fine imposed on conviction shall be as follows:—

<i>Amount of Fine</i>	<i>Period of Imprisonment</i>
Not exceeding £20	Three months.
Exceeding £20 but not exceeding £100	Four months.
Exceeding £100 but not exceeding £500	Six months.
Exceeding £500	Twelve months.

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200 Discharge from imprisonment to be specified

All warrants of imprisonment for payment of a fine, or for finding of caution, shall specify a period at the expiry of which the person sentenced shall be discharged, notwithstanding such fine shall not have been paid, or caution found.

201 Payment of fine in part by prisoner

- (1) Where a person committed to prison or otherwise detained for failure to pay a fine imposed by a court of solemn jurisdiction pays to the governor of the prison, under conditions prescribed by rules made under the Prisons (Scotland) Act 1952, any sum in part satisfaction of the fine, the term of imprisonment shall be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days for which the prisoner is sentenced as the sum so paid bears to the total amount of the fine.
- (2) In this section references to a prison and to the governor thereof shall include respectively references to any other place in which a person may be lawfully detained in default of payment of a fine, and to an officer in charge thereof.

202 Remission of fine where young offender detained

Where, in the case of an offender detained in a Borstal institution, detention centre or any place under an order made by virtue of section 206 or 413 of this Act, or under supervision following release therefrom, who has not made payment of a fine imposed before his being so detained, it appears to the Secretary of State that remission of the fine might assist the rehabilitation of the offender, he may, after consultation where practicable with the judge by whom or the presiding chairman of the court by which sentence was passed, remit that fine in whole or in part.

203 Fines payable to H.M. Exchequer

Any fine imposed in the High Court upon the accused, and upon a juror for non-attendance, and any forfeiture for nonappearance of a party, witness or juror in the High Court shall be payable to and recoverable by the proper officer in Exchequer for Her Majesty's use, unless in a case where the High Court shall, by the sentence awarding the said fine, order the same or any part thereof to be otherwise disposed of.