Criminal Justice (Scotland) Act 1980

1980 CHAPTER 62

PART III U.K.

PENALTIES

[F1]40 ..... S

Textual Amendments

F1 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

[F2]41 ..... S

Textual Amendments

F2 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

[F3]42 ..... S

Textual Amendments

F3 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 4, 6, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

[F4]43 ..... S

Textual Amendments

F4 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

44 . . . . . [F5] S

Textual Amendments

F5 Ss. 44, 45(2) repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), **Sch. 3**

45 Detention of young defenders S

[F6](1) . . . . . .

(2) . . . . . [F7]

(3) In the 1975 Act, sections 204 and 414 (Borstal training) and sections 209 and 418 (detention in detention centre) shall cease to have effect.

(4) Without prejudice to any specific amendment made by this Act, in Scotland a reference in any enactment to which this subsection applies—

(a) to a Borstal institution, shall be construed as a reference to a young offenders institution; and

(b) to a period of training in a Borstal institution, shall be construed as a reference to a period of detention in a young offenders institution.

(5) The enactments to which subsection (4) above applies are—

(a) any Act passed before, or during the same session as, this Act; and

(b) any subordinate legislation made before the commencement of this Act;

and in this subsection

"Act" and "subordinate legislation" have the same meanings as in the [M1]Interpretation Act 1978.

Textual Amendments

F6 S. 45(1)repealed (1.4.1996) by 1995 c. 40, **ss. 4**, 6 Sch. 5 (with Sch. 3 Pt. II paras. 16, 17)

F7 Ss. 44, 45(2) repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), **Sch. 3**

Modifications etc. (not altering text)

C1 The text of ss. 6, 11, 13–22, 24, 25, 27–30, 33–38, 40, 43, 45(1), (3), 46(1)(*e*)(*f*), (2), 47–51, 53, 54, 56, 57, 79, 83(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M1 1978 c. 13.

[F8]**46** . . . . . S

Textual Amendments

F8 S. 46 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 16, 17)

[F9]47 . . . . . S

Textual Amendments

F9 S. 47 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 16, 17)

[F10]48 . . . . . S

Textual Amendments

F10 S. 48 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 16, 17)

[F11]49 . . . . . S

Textual Amendments

F11 S. 49 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 16, 17)

[F12]50 . . . . . S

Textual Amendments

F12 S. 50 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 16, 17)

51 Execution in different parts of United Kingdom of warrants for imprisonment for non-payment of fine. U.K.

After section 38 of the Criminal Law Act 1977 there shall be inserted the following section—

"**38A Execution in different parts of the United Kingdom of warrants for imprisonment for non-payment of fine.**

(1) Subject to subsection (6) below, a person against whom an extract conviction is issued in Scotland for imprisonment in default of payment of a fine may be arrested—

(a) in England and Wales, by any constable acting within his police area ;

(b) in Northern Ireland, by any member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve ;

Changes to legislation: *There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980, Part III. (See end of Document for details)*

and subsections (4) and (5) of section 159 of the Magistrates' Courts Act (Northern Ireland) 1964 (execution without possession of the warrant and execution on Sunday) shall apply to the execution in Northern Ireland of any such extract conviction as those subsections apply in relation to the execution of a warrant for arrest.

(2) Subject to subsection (6) below, a person against whom there has been issued in England, Wales or Northern Ireland a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction may be arrested in Scotland, by any constable appointed for a police area, in like manner as if the warrant were an extract conviction for imprisonment issued in Scotland in default of payment of a fine.

(3) A person arrested by virtue of subsection (1) above under an extract conviction or by virtue of subsection (2) above under a warrant of commitment may be detained under it in any prison in the part of the United Kingdom in which he was arrested ; and while so detained he shall be treated for all purposes as if he were detained under a warrant of commitment or extract conviction issued in that part of the United Kingdom.

(4) An extract conviction or a warrant of commitment may be executed by virtue of this section whether or not it has been endorsed under section 4 of the Summary Jurisdiction (Process) Act 1881 or under section 27 of the Petty Sessions (Ireland) Act 1851.

(5) In this section—

"fine" includes any sum treated by any enactment as a fine for the purposes of its enforcement and any sum to be found as caution ;

"imprisonment" includes,in the case of a person who is under the age of 21 years, detention ;

"part of the United Kingdom" means England and Wales, Scotland or Northern Ireland ;

"prison" means—

(i) in the case of a person who is under the age of 21 years arrested in Scotland, a young offenders institution ; and

(ii) in the case of a person under that age arrested in Northern Ireland, a young offenders centre ; and

"sum adjudged to be paid by a conviction"has the meaning given by section 150(3) of the Magistrates' Courts Act 1980 or, in Northern Ireland, section 169(2) of the Magistrates' Courts (Northern Ireland) Act 1964.

(6) This section shall not apply to the arrest of persons under the age of 17 years.".

Modifications etc. (not altering text)

C2 The text of ss. 6, 11, 13–22, 24, 25, 27–30, 33–38, 40, 43, 45(1), (3), 46(1)(*e*)(*f*), (2), 47–51, 53, 54, 56, 57, 79, 83(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

[F13]52 . . . . . S

Textual Amendments

F13 S. 52 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 16, 17)

[F14]53 . . . . . S

Textual Amendments

F14 S. 53 repealed (1.4.1996) by 1995 c. 40, s. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 16, 17)

[F15]54 . . . . . S

Textual Amendments

F15 S. 54 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 16, 17)

55 . . . . . [F16] S

Textual Amendments

F16 S. 55 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1, Sch. 4 paras 1, **2**

56 Penalties for drunkenness. S

(1) In section 70 of the [M2]Licensing (Scotland) Act 1903 (penalties for drunkenness, etc.) —

(a) in the first paragraph of subsection (1) for the words from "and may be taken" to the end of that paragraph there shall be substituted the words " and shall be liable on summary conviction to a fine not exceeding £50 ";

(b) in the second paragraph of that subsection for the words from "forty" to the end of that paragraph there shall be substituted the words " £50 " ;

(c) after that subsection there shall be inserted the following subsection—

"(1A) A constable may arrest without warrant any person who he has reasonable grounds for suspecting is committing an offence under subsection (1) above."; and

(d) in subsection (2) for the words from "forty" to the end of the first sentence there shall be substituted the words " £50 ".

(2) Section 382 of the [M3]Burgh Police (Scotland) Act 1892 shall cease to have effect.

Modifications etc. (not altering text)

C3 The text of ss. 6, 11, 13–22, 24, 25, 27–30, 33–38, 40, 43, 45(1), (3), 46(1)(*e*)(*f*), (2), 47–51, 53, 54, 56, 57, 79, 83(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M2 1903 c. 25.

M3 1892 c. 25.

57 Penalty for second conviction of assault on constable. S

In section 41(1)(ii) of the [M4]Police (Scotland) Act 1967 (assaults on constables, etc.), at the end there shall be added the words " or to a fine not exceeding the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975, or to both. ".

Modifications etc. (not altering text)

C4 The text of ss. 6, 11, 13–22, 24, 25, 27–30, 33–38, 40, 43, 45(1), (3), 46(1)(*e*)(*f*), (2), 47–51, 53, 54, 56, 57, 79, 83(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M4 1967 c. 77.

Changes to legislation:
There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980, Part III.