



Criminal Justice (Scotland) Act 1980

1980 CHAPTER 62

PART III

PENALTIES

51 Execution in different parts of United Kingdom of warrants for imprisonment for non payment of fine

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

“38A Execution in different parts of 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 ;

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.

Status: This is the original version (as it was originally enacted).

- (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.”.