



Criminal Law (Consolidation) (Scotland) Act 1995

1995 CHAPTER 39

PART V

DRUG TRAFFICKING

Offences

41 Offences relating to controlled drugs: fines

- (1) Without prejudice to section 211(7) of the Criminal Procedure (Scotland) Act 1995 (fines) but subject to section 10(3)(a) of the Proceeds of Crime (Scotland) Act 1995, where a person is convicted on indictment of an offence to which this section relates and sentenced in respect of that offence to a period of imprisonment or detention, the Court where—
 - (a) paragraph (b) below does not apply shall, unless it is satisfied that for any reason it would be inappropriate to do so, also impose a fine;
 - (b) it makes a confiscation order under section 1(1) of the Proceeds of Crime (Scotland) Act 1995 as regards the person, may also impose a fine.
- (2) In determining the amount of a fine imposed under paragraph (a) of subsection (1) above, the Court shall have regard to any profits likely to have been made by the person from the crime in respect of which he has been convicted.
- (3) This section relates to an offence which is a drug trafficking offence within the meaning of the said last mentioned Act of 1995.
- (4) Where in any proceedings a fine has been imposed by virtue of subsection (1) above as regards a person and a period of imprisonment or detention is imposed on him in default of payment of its amount (or as the case may be of an instalment thereof), that period shall run from the expiry of any other period of imprisonment or detention (not being one of life imprisonment or detention for life) imposed on him in the proceedings.

Status: This is the original version (as it was originally enacted).

- (5) The reference in subsection (4) above to “any other period of imprisonment or detention imposed” includes (without prejudice to the generality of the expression) a reference to such a period imposed on default of payment of a fine (or instalment thereof) or of a confiscation order (or instalment thereof); but only where that default has occurred before the warrant for imprisonment is issued for the default in relation to the fine imposed by virtue of subsection (1) of this section.