
Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, Cross Heading: Penalties on summary conviction for offences triable either summarily or on indictment. (See end of Document for details)

SCHEDULES

SCHEDULE 1

SETTING AND ALTERATION OF CERTAIN PENALTIES

Penalties on summary conviction for offences triable either summarily or on indictment

- 2 (1) Where an offence created by a relevant enactment may be tried either on indictment or summarily, the penalty or maximum penalty on summary conviction shall, to the extent that it included, immediately before the commencement of section 55 of the ^{M1}Criminal Justice Act 1982, a penalty or maximum penalty mentioned in column 1 of the Table below, be amended so as to substitute as a maximum penalty the corresponding penalty set forth in column 2 thereof (unless provision is expressly made by any enactment for a larger penalty or maximum penalty on summary conviction)—

| Column 1 | Column 2 |
|---|--|
| Penalty or maximum penalty at commencement of section 55 of Criminal Justice Act 1982 | New maximum penalty |
| 1. Fine (other than a fine specified in paragraph 3 below, or a fine in respect of each period of a specified length during which a continuing offence is committed). | 1. Fine not exceeding the prescribed sum. |
| 2. Imprisonment for a period exceeding 3 months. | 2. Imprisonment for a period not exceeding 3 months. |
| 3. Fine in respect of a specified quantity or number of things. | 3. Fine not exceeding the prescribed sum in respect of each such quantity or number. |
| 4. Fine exceeding £100 in respect of each period of a specified length during which a continuing offence is committed. | 4. Fine not exceeding £100 in respect of each such period. |

- (2) Where by virtue of a relevant enactment, a person summarily convicted of any offence to which sub-paragraph (1) above relates would, apart from this paragraph, be liable to a fine or a 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 (1) above shall apply irrespective of whether the conviction is a first, second or subsequent one.
- (3) Sub-paragraph (1) above is without prejudice to section 5 of the Principal Act (6 months' imprisonment competent for certain offences).

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- (4) In this paragraph “relevant enactment” means an enactment contained in the ^{M2}Criminal Law Act 1977 or in any other Act (including this Act).
- (5) Sub-paragraph (1) of paragraph 7 below shall not affect so much of any enactment as (in whatever words) 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.
- (6) Where an enactment to which sub-paragraph (1) of the said paragraph 7 below applies provides for a person to be made liable to a penalty or a maximum penalty on summary conviction of an offence triable either on indictment or summarily which includes a fine or a maximum fine in respect of a specified quantity or a specified number of things, that sub-paragraph shall apply to that fine or maximum fine.
- (7) Sub-paragraph (1) above shall not apply on summary conviction of any of the offences mentioned in sub-paragraph (2) of paragraph 11 below.

Marginal Citations

M1 1982 c. 48.

M2 1977 c. 45.

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