

## SCHEDULES

### SCHEDULE 1

Section 3(1).

#### SETTING AND ALTERATION OF CERTAIN PENALTIES

##### *Amendments relating to penalties and mode of trial for offences made triable only summarily*

- 1 (1) The enactments specified in column 2 of Part I of Schedule 2 to this Act (which relate to the modes of trial of, and the maximum penalties for, the offences which are by section 292 of the Principal Act made triable only summarily) shall continue to have effect subject to the amendments specified in column 3 of that Part.
- (2) The said amendments have the effect of altering the maximum penalties available on summary conviction of those offences as well as making alterations consequential on their becoming triable only summarily; and in that Part, column 4 shows the maximum penalties resulting from the amendments.

##### *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 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)—

<i>Column 1</i>	<i>Column 2</i>
<i>Penalty or maximum penalty at commencement of section 55 of Criminal Justice Act 1982</i>	<i>New maximum penalty</i>
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	4. Fine not exceeding £100 in respect of each such period.

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<i>Column 1</i>	<i>Column 2</i>
<i>Penalty or maximum penalty at commencement of section 55 of Criminal Justice Act 1982</i>	<i>New maximum penalty</i>
during which a continuing offence is committed.	

- (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).
- (4) In this paragraph “relevant enactment” means an enactment contained in the 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.

*Increase of fines for certain summary offences*

- 3 (1) The enactments specified in column 2 of Part II of Schedule 2 to this Act, which relate to the maximum fines for the offences mentioned (and broadly described) in column 1 of that Schedule, shall have effect as if the maximum fine that may be imposed on summary conviction of any offence so mentioned were a fine not exceeding the amount specified in column 4 of that Schedule instead of a fine not exceeding the amount specified in column 3 of that Schedule (being the amount of the maximum fine in respect of the offence immediately before the passing of the Criminal Law Act 1977), but this sub-paragraph shall not alter the maximum daily fine, if any, provided for by any of those enactments.
- (2) In section 203 of the Local Government (Scotland) Act 1973 (offences against byelaws), except as applied to byelaws made under any provision contained in a local or private Act other than by a local authority, for any reference to £20 there shall be substituted a reference to £50.
- (3) Subject to sub-paragraph (4) below, this sub-paragraph applies to any pre-1949 enactment however framed or worded which—

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- (a) as regards any summary offence makes a person liable on conviction thereof to a fine of, or not exceeding, a specified amount less than £50 which has not been altered since the end of 1948 (and is not altered by this Act); or
  - (b) confers power by subordinate instrument to make a person, as regards any summary offence (whether or not created by the instrument), liable on conviction thereof to a fine of, or a maximum fine of, less than £50 which has not been altered since the end of 1948 (and is not altered by this Act).
- (4) Sub-paragraph (3) above does not apply to any offence to which section 292(2)(b) of the Principal Act applies (offences triable only summarily other than by virtue of express provision).
- (5) Every enactment to which sub-paragraph (3) above applies shall have effect as if for the specified amount less than £50 there mentioned there were substituted—
- (a) £25 if the specified amount is less than £20; or
  - (b) £50 if the specified amount is not less than £20.
- (6) Where, by virtue of any enactment to which sub-paragraph (3) above applies by virtue of sub-sub-paragraph (a) of that sub-paragraph, a person convicted of a summary offence would, apart from this paragraph, be liable to a fine, or 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 (5) above shall apply separately in relation to each specified amount less than £50, even if this produces the same instead of different amounts for different convictions.
- (7) Sub-paragraph (3) above does not apply to so much of any enactment as, in whatever words, makes a person liable or 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.
- (8) Where an enactment to which sub-paragraph (3) above applies provides or confers a power to provide for, on conviction of an offence triable only summarily, a fine or a maximum fine in respect of a specified quantity or a specified number of things, “the specified amount” for the purposes of subsection (5) above is the fine or maximum fine so provided or for which provision may be made.
- (9) In sub-paragraph (3) above “pre-1949 enactment” means an enactment passed before 1st January 1949 or an enactment passed on or after that date which whether directly or, through successive re-enactments, indirectly re-enacts with or without modification an enactment passed before that date.
- (10) In this paragraph, “enactment” does not include an enactment contained in an order, regulation or other instrument made under an Act.

*Penalties for first and subsequent convictions of summary offences to be the same*

- 4 (1) Subject to sub-paragraphs (2) to (4) and (6) below, this paragraph applies where any enactment—
- (a) makes a person liable on conviction of an offence triable only summarily to a penalty or a maximum penalty; or
  - (b) confers a power by subordinate instrument to make a person liable on conviction of an offence triable only summarily (whether or not created by the instrument) to a penalty or a maximum penalty,

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which is different in the case of a second or subsequent conviction from the penalty or maximum penalty provided or for which provision may be made in the case of a first conviction.

- (2) Where the penalty or maximum penalty for an offence to which section 292(2)(b) of the Principal Act applies has not been altered by any enactment passed or made after 29th July 1977 (the date of the passing of the Criminal Law Act 1977), this paragraph applies as if the amount referred to in sub-paragraph (5)(a) below were the greatest amount to which a person would have been liable on any conviction immediately before that date.
- (3) Where any enactment—
- (a) provides or confers a power to provide for a penalty or a maximum penalty which would, but for the operation of paragraph 3(5) above, be different in the case of a second or subsequent conviction from the penalty or maximum penalty provided for or for which provision may be made in the case of a first conviction; and
  - (b) otherwise fulfils the conditions of sub-paragraph (1) above;
- this paragraph applies to that penalty or maximum penalty as if the amount referred to in sub-paragraph (5)(a) below were the greatest amount to which a person would have been liable or could have been made liable on any conviction immediately before 17th July 1978 (the date of coming into force of section 289C of the Criminal Procedure (Scotland) Act 1975).
- (4) This paragraph does not apply to—
- (a) section 5(3) of the Principal Act (imprisonment for certain offences);
  - (b) section 78 of the Criminal Justice (Scotland) Act 1980 (vandalism); or
  - (c) an enactment mentioned in Part III of Schedule 2 to this Act.
- (5) Where this paragraph applies the maximum penalty to which a person is or may be made liable by or under the enactment in the case of any conviction shall be either or both of—
- (a) a fine not exceeding the greatest amount;
  - (b) imprisonment for a term not exceeding the longest term (if any),
- to which an offender would have been liable or could have been made liable on any conviction (whether the first or a second or subsequent conviction) by or under the enactment immediately before the relevant date.
- (6) This paragraph does not affect the penalty which may be imposed in respect of an offence committed before the relevant date.
- (7) In sub-paragraphs (5) and (6) above “the relevant date” means—
- (a) in relation to an offence created by or under an Act or, as the case may be, to conviction of such an offence, 11th April 1983; and
  - (b) in relation to an offence created under a subordinate instrument or, as the case may be, to conviction of such an offence, 12th October 1988.

*Increases of fines for certain summary offences*

- 5 (1) Subject to sub-paragraphs (3) to (8) and (10) below, this paragraph applies where any Act passed on or before 29th July 1977 (the date of the passing of the Criminal Law Act 1977)—

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- (a) makes a person liable on conviction of an offence triable only summarily to a fine or a maximum fine which is less than £1,000; or
- (b) confers a power by subordinate instrument to make a person liable on conviction of an offence triable only summarily (whether or not created by the instrument) to a fine or a maximum fine which is less than £1,000, or a fine or a maximum fine which shall not exceed an amount of less than £1,000,

and the fine or maximum fine which may be imposed or, as the case may be, for which the subordinate instrument may provide has not been altered by any provision mentioned in sub-paragraph (2) below.

- (2) The provisions referred to in sub-paragraph (1) above are—
  - (a) paragraph 1 above;
  - (b) paragraph 3 above (except where paragraph 4(3) above applies);
  - (c) section 30(3) of the Criminal Law Act 1977;
  - (d) an enactment passed or made after 29th July 1977 and before 11th April 1983.
- (3) In the case of an offence to which section 292(2)(b) of the Principal Act applies, sub-paragraphs (2)(a) to (c) above do not apply and the fine or the maximum fine referred to in sub-paragraph (9) below is the fine or the maximum fine for the offence immediately before 29th July 1977 as amended, where applicable, by paragraph 4 above.
- (4) This paragraph also applies where any enactment—
  - (a) is contained in a consolidation Act passed after 29th July 1977 and before 11th April 1983; and
  - (b) otherwise fulfils the conditions of sub-paragraph (1) above as amended by sub-paragraph (3) above where it applies; and
  - (c) is a re-enactment (with or without modification) of an enactment passed on or before 29th July 1977.
- (5) Subject to sub-paragraph (10) below, where an Act provides or confers a power to provide for, on conviction of an offence triable only summarily, a fine or a maximum fine in respect of a specified quantity or a specified number of things, that fine or maximum fine is the fine or, as the case may be, the maximum fine for the purposes of this paragraph.
- (6) Where an Act to which this paragraph applies provides or confers a power to provide different fines or maximum fines in relation to different circumstances or persons of different descriptions, such fines or maximum fines are to be treated separately for the purposes of this paragraph.
- (7) This paragraph also applies where the penalties or maximum penalties provided or for which provision may be made by or under an Act on first and on second or subsequent conviction of an offence have been made the same by operation of paragraph 4 above; and in that case the fine or the maximum fine referred to in sub-paragraph (9) below is the maximum fine to which a person is or may be made liable by virtue of that paragraph.
- (8) This paragraph does not apply in the case of—

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- (a) so much of any Act as (in whatever words) makes a person liable or provides for a person to be made liable to a fine or a maximum fine for each period of a specified length during which a continuing offence is committed;
  - (b) section 67(3) of the Transport Act 1962;
  - (c) sections 42(1) and 47(1) of the Road Traffic Act 1988;
  - (d) an enactment mentioned in Schedule 1 to the British Railways Act 1977 to the extent that the enactment was amended by section 13(1) of that Act;
  - (e) an enactment mentioned in Part III of Schedule 2 to this Act or in Schedule 2 to the Criminal Justice Act 1982.
- (9) Where this paragraph applies, the fine or, as the case may be, the maximum fine to which a person is or may be made liable by or under the Act shall be increased to the amount shown in column 2 of the Table below opposite the band in column 1 within which the fine or the maximum fine referred to in sub-paragraph (1) above falls.

<i>Column 1</i>	<i>Column 2</i>
<i>Fine or maximum fine</i>	<i>Increased amount</i>
Under £25	£25
Under £50 but not less than £25	£50
Under £200 but not less than £50	£200
Under £400 but not less than £200	£500
Under £1,000 but not less than £400	£1,000

- (10) Where an Act to which this paragraph applies provides or confers a power to provide for, on conviction of an offence triable only summarily, a fine or a maximum fine in respect of a specified quantity or a specified number of things but also provides or confers a power to provide for an alternative fine or maximum fine as regards the offence, sub-paragraph (9) above shall have effect to increase—
- (a) the alternative fine; and
  - (b) any amount that the Act provides or confers a power to provide for as the maximum which a fine as regards the offence may not exceed,
- as well as the fine or maximum fine which it has effect to increase by virtue of sub-paragraph (5) above.

*Standard scale: amendment of enactments*

- 6 (1) Subject to sub-paragraph (5) below, where—
- (a) an enactment to which sub-paragraph (2) below applies either—
    - (i) makes a person liable on conviction of an offence triable only summarily (whether created by that enactment or otherwise) to a fine or a maximum fine; or
    - (ii) confers a power by subordinate instrument to make a person liable on conviction of an offence triable only summarily (whether or not created by the instrument) to a fine or a maximum fine; and
  - (b) the amount of the fine or the maximum fine is, whether by virtue of that enactment or otherwise, an amount shown in the second column of the standard scale,

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for the reference in the enactment to the amount of the fine or maximum fine there shall be substituted a reference to the level on the standard scale shown in the first column thereof as corresponding to the amount in the second column thereof referred to in sub-sub-paragraph (b) above.

- (2) This sub-paragraph applies to an enactment in any Act passed before 11th April 1983.
- (3) Subject to sub-paragraph (4) below, where an Act provides or confers a power to provide for, on conviction of an offence triable only summarily, a fine or a maximum fine in respect of a specified quantity or a specified number of things, that fine or maximum fine is the fine or, as the case may be, the maximum fine for the purposes of this paragraph.
- (4) Where an Act provides or confers a power to provide for, on conviction of an offence triable only summarily, a fine or a maximum fine in respect of a specified quantity or a specified number of things but also provides or confers a power to provide for an alternative fine or maximum fine as regards the offence, the fine or the maximum fine for the purposes of this paragraph is—
  - (a) the alternative fine; and
  - (b) any amount that the Act provides or confers a power to provide for as the maximum which a fine as regards the offence may not exceed,as well as the fine or maximum fine referred to in sub-paragraph (3) above.
- (5) Sub-paragraph (1) above does not apply to so much of any Act as (in whatever words) makes a person liable or provides for a person to be made liable 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 (2) above applies confers a power such as is mentioned in sub-paragraph (1)(a)(ii) above, the power shall be construed as a power to make a person liable to a fine or, as the case may be, a maximum fine of the amount corresponding to the level on the standard scale to which the enactment refers by virtue of sub-paragraph (1) above or of a lesser amount.
- (7) Subject to sub-paragraph (9) below, where under a relevant subordinate instrument the fine or maximum fine on conviction of a summary offence specified in the instrument is an amount shown in the second column of the standard scale, the reference in the instrument to the amount of the fine or maximum fine shall be construed as a reference to the level in the first column of the standard scale corresponding to that amount.
- (8) In sub-paragraph (7) above, “relevant subordinate instrument” means any instrument made by virtue of an enactment after 30th April 1984 and before 12th October 1988 (the date of commencement of section 66 of the Criminal Justice (Scotland) Act 1987).
- (9) Sub-paragraph (7) above shall not affect so much of any instrument as (in whatever words) makes a person liable on summary conviction to a fine not exceeding a specified amount for each period of a specified length during which a continuing offence is continued after conviction or the occurrence of any other specified event.
- (10) Where there is—
  - (a) under any enactment (however framed or worded) contained in an Act passed before 12th October 1988,

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(b) under any instrument (however framed or worded) made by virtue of such an enactment,

a power to provide by subordinate instrument that a person, as regards any summary offence (whether or not created by the instrument) shall be liable on conviction to a fine, a person may be so made liable to a fine not exceeding a specified level on the standard scale.

(11) Sub-paragraph (10) above has effect in relation to exercises of powers before as well as after 12th October 1988.

*Statutory maximum as penalty in respect of summary conviction for offences in subordinate instruments*

7 (1) Where there is, under any enactment (however framed or worded) contained in an Act passed before the relevant date, a power by subordinate instrument to create a criminal offence triable either on indictment or summarily, the maximum fine which may, in the exercise of the power, be authorised on summary conviction shall, by virtue of this paragraph, be the statutory maximum (unless some larger maximum fine can be authorised on summary conviction of such an offence by virtue of an enactment other than this sub-paragraph).

(2) Where there is, under any enactment (however framed or worded) contained in an Act passed before the relevant date, a power to create offences triable either on indictment or summarily by subordinate instrument, the maximum fine on summary conviction for such an offence may be expressed as a fine not exceeding the statutory maximum.

(3) Sub-paragraphs (1) and (2) above shall have effect in relation to any exercise of such power before as well as after the relevant date.

(4) Where an offence created by a subordinate instrument made before the relevant date may be tried either on indictment or summarily, the maximum fine which may be imposed on summary conviction shall by virtue of this sub-paragraph be the statutory maximum (unless the offence is one for which by virtue of the instrument a larger maximum fine may be imposed on summary conviction).

(5) Where a person summarily convicted of any offence to which sub-paragraph (4) above relates would, apart from this paragraph, be liable to a fine or to a maximum fine of an amount in the case of a first conviction and of a different amount in the case of a second or subsequent conviction, sub-paragraph (4) above shall apply irrespective of whether the conviction is a first, second or subsequent one.

(6) Sub-paragraph (4) above shall not affect so much of any instrument as (in whatever words) makes a person liable on summary conviction to a fine not exceeding a specified amount for each period of a specified length during which a continuing offence is continued after conviction or the occurrence of any other specified event.

(7) Nothing in this paragraph shall affect the punishment for an offence committed before the relevant date.

(8) In this paragraph “the relevant date” means 12th October 1988 (the date of commencement of section 66 of the Criminal Justice (Scotland) Act 1987).

*Fines under secondary subordinate instruments*

8 (1) This paragraph applies to any instrument (however framed or worded) which—



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- (a) was made before 11th April 1983 (the date of commencement of Part IV of the Criminal Justice Act 1982); and
- (b) confers on any authority other than a harbour authority a power by subordinate instrument to make a person, as regards any summary offence (whether or not created by the latter instrument), liable on conviction to a maximum fine of a specified amount not exceeding £1,000,

but does not affect so much of any such instrument as (in whatever words) confers a power by subordinate instrument to make a person liable on conviction to a fine for each period of a specified length during which a continuing offence is continued.

- (2) The maximum fine to which a subordinate instrument made by virtue of an instrument to which this paragraph applies may provide that a person shall be liable on conviction of a summary offence is—
  - (a) if the specified amount is less than £25, level 1 on the standard scale;
  - (b) if it is £25 or more but less than £50, level 2;
  - (c) if it is £50 or more but less than £200, level 3;
  - (d) if it is £200 or more but less than £400, level 4; and
  - (e) if it is £400 or more, level 5.
- (3) Subject to sub-paragraph (5) below, where an instrument to which this paragraph applies confers a power by subordinate instrument to make a person, as regards a summary offence, liable on conviction to a fine in respect of a specified quantity or a specified number of things, that shall be treated for the purposes of this paragraph as being the maximum fine to which a person may be made liable by virtue of the instrument.
- (4) Where an instrument to which this paragraph applies confers a power to provide for different maximum fines in relation to different circumstances or persons of different descriptions, the amount specified as those maximum fines are to be treated separately for the purposes of this paragraph.
- (5) Where an instrument to which this paragraph applies confers a power by subordinate instrument to make a person, as regards a summary offence, liable on conviction to a fine in respect of a specified quantity or a specified number of things but also confers a power by subordinate instrument to make a person, as regards such an offence, liable on conviction to an alternative fine, this paragraph shall have effect in relation—
  - (a) to the alternative fine; and
  - (b) to any amount that the instrument specifies as the maximum fine for which a subordinate instrument made in the exercise of the power conferred by it may provide,as well as in relation to the fine mentioned in sub-paragraph (3) above.

*Fines on summary conviction for offences under subordinate instruments: conversion to references to levels on scale*

- 9 (1) Where an instrument which was made under an enactment on or after 11th April 1983 but before 12th October 1988 (the date of commencement of section 54 of the Criminal Justice Act 1988) confers on any authority other than a harbour authority a power by subordinate instrument to make a person liable on summary conviction to a fine of an amount shown in the second column of the standard scale, as that scale had effect when the instrument was made, a reference to the level in the first column

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of the standard scale which then corresponded to that amount shall be substituted for the reference in the instrument conferring the power to the amount of the fine.

- (2) This paragraph shall not affect so much of any instrument as (in whatever words) makes a person liable on summary conviction to a maximum fine not exceeding a specified amount for each period of a specified length during which a continuing offence is continued.

*Part III of Schedule 2*

- 10 (1) The enactments specified in column 1 of Part III of Schedule 2 to this Act, which relate to the penalties or the maximum penalties for the offences mentioned in those enactments, shall be amended in accordance with the amendments specified in column 2 of that Part, which have the effect of altering the penalties on summary conviction of the said offences and placing the fines on a level on the standard scale; and in that Part column 3 shows the penalties or, as the case may be, maximum penalties resulting from the amendments.
- (2) Sub-paragraph (1) above does not affect the penalty which may be imposed in respect of an offence committed before 11th April 1983.

*Alteration of penalties on summary conviction of  
certain offences under the Misuse of Drugs Act 1971*

- 11 (1) The Misuse of Drugs Act 1971 shall be amended as follows—
- (a) in the entries in Schedule 4 showing the punishment that may be imposed on persons summarily convicted of offences mentioned in sub-paragraph (2)(b) below, for “6 months” there shall be substituted “3 months”; and
  - (b) in the entry in Schedule 4 relating to section 5(2)—
    - (i) for “6 months” (being the maximum punishment on summary conviction of an offence under that section where a Class B drug was involved) there shall be substituted “3 months”, and
    - (ii) for “6 months” being the maximum punishment on summary conviction of such an offence where a Class C drug was involved there shall be substituted “3 months”.
- (2) The offences to which (as provided in paragraph 2(7) above) paragraph 2(1) above does not apply are—
- (a) offences under section 5(2) of the Misuse of Drugs Act 1971 (having possession of a controlled drug) where the controlled drug in relation to which the offence was committed was a Class B or Class C drug;
  - (b) offences under the following provisions of that Act, where the controlled drug in relation to which the offence was committed was a Class C drug, namely—
    - (i) section 4(2) (production, or being concerned in the production, of a controlled drug);
    - (ii) section 4(3) (supplying or offering a controlled drug or being concerned in the doing of either activity by another);
    - (iii) section 5(3) (having possession of a controlled drug with intent to supply it to another);

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- (iv) section 8 (being the occupier, or concerned in the management, of premises and permitting or suffering certain activities to take place there);
- (v) section 12(6) (contravention of direction prohibiting practitioner etc from possessing, supplying etc controlled drugs); or
- (vi) section 13(3) (contravention of direction prohibiting practitioner etc from prescribing, supplying etc controlled drugs).

(3) In this paragraph “controlled drug”, “Class B drug” and “Class C drug” have the same meaning as in the Misuse of Drugs Act 1971.

*Transitional provisions and savings*

- 12 (1) The following transitional provisions and savings relating to the provisions contained in this Schedule shall have effect.
- (2) For the purposes of paragraph 3(2) above, any provision in force at 17th July 1978 (the date of coming into force of subsection (3) of section 289C of the Criminal Procedure (Scotland) Act 1975) which—
- (a) is contained in any byelaw made by virtue of section 203 of the Local Government (Scotland) Act 1973 but not that section as applied to byelaws made under any provision contained in a local or private Act other than by a local authority; and
  - (b) specified £20 as the maximum fine which may be imposed on summary conviction in respect of a contravention of, or offence under, any byelaw mentioned in that provision,
- shall have effect as if it specified £50 instead, but with no change by virtue of this sub-paragraph in the maximum daily fine, if any, for which it provides.
- (3) Paragraph 5 above does not affect the penalty which may be imposed in respect of an offence committed before 11th April 1983.