



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XI

SENTENCING

Fines

219 Fines: periods of imprisonment for non-payment.

- (1) Subject to sections 214 to 218 of this Act [^{F1}and subsection (1A) below]—
- (a) a court may, when imposing a fine, impose a period of imprisonment in default of payment; or
 - (b) where no order has been made under paragraph (a) above and a person fails to pay a fine, or any part or instalment of a fine, by the time ordered by the court (or, where section 214(2) of this Act applies, immediately) the court may, subject to section 235(1) of this Act, impose a period of imprisonment for such failure either with immediate effect or to take effect in the event of the person failing to pay the fine or any part or instalment of it by such further time as the court may order,

whether or not the fine is imposed under an enactment which makes provision for its enforcement or recovery.

[^{F2}(1A) Subsection (1) shall not apply to a fine imposed for an offence under section 107 of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8).]

- (2) Subject to the following subsections of this section, the maximum period of imprisonment which may be imposed under subsection (1) above or for failure to find caution, shall be as follows—

| Amount of Fine or Caution | Maximum Period of Imprisonment |
|---------------------------|--------------------------------|
| Not exceeding £200..... | 7 days |

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 219 is up to date with all changes known to be in force on or before 19 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

| | |
|--|-----------|
| Exceeding £200 but not exceeding £500..... | 14 days |
| Exceeding £500 but not exceeding £1,000..... | 28 days |
| Exceeding £1,000 but not exceeding £2,500..... | 45 days |
| Exceeding £2,500 but not exceeding £5,000..... | 3 months |
| Exceeding £5,000 but not exceeding £10,000..... | 6 months |
| Exceeding £10,000 but not exceeding £20,000..... | 12 months |
| Exceeding £20,000 but not exceeding £50,000..... | 18 months |
| Exceeding £50,000 but not exceeding £100,000..... | 2 years |
| Exceeding £100,000 but not exceeding £250,000..... | 3 years |
| Exceeding £250,000 but not exceeding £1 Million..... | 5 years |
| Exceeding £1 Million..... | 10 years |

- (3) Where an offender is fined on the same day before the same court for offences charged in the same indictment or complaint or in separate indictments or complaints, the amount of the fine shall, for the purposes of this section, be taken to be the total of the fines imposed.
- (4) Where a court has imposed a period of imprisonment in default of payment of a fine, and—
- an instalment of the fine is not paid at the time ordered; or
 - part only of the fine has been paid within the time allowed for payment,
- the offender shall be liable to imprisonment for a period which bears to the period so imposed the same proportion, as nearly as may be, as the amount outstanding at the time when warrant is issued for imprisonment of the offender in default bears to the original fine.
- (5) Where no period of imprisonment in default of payment of a fine has been imposed and—
- an instalment of the fine is not paid at the time ordered; or
 - part only of the fine has been paid within the time allowed for payment,
- the offender shall be liable to imprisonment for a maximum period which bears, as nearly as may be, the same proportion to the maximum period of imprisonment which could have been imposed by virtue of the Table in subsection (2) above in default of payment of the original fine as the amount outstanding at the time when he appears before the court bears to the original fine.

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- (6) If in any sentence or extract sentence the period of imprisonment inserted in default of payment of a fine or on failure to find caution is in excess of that competent under this Part of this Act, such period of imprisonment shall be reduced to the maximum period under this Part of this Act applicable to such default or failure, and the judge who pronounced the sentence shall have power to order the sentence or extract to be corrected accordingly.
- (7) The provisions of this section shall be without prejudice to the operation of section 220 of this Act.
- (8) Where in any case—
- (a) the sheriff considers that the imposition of imprisonment for the number of years for the time being specified in section 3(3) of this Act would be inadequate; and
 - (b) the maximum period of imprisonment which may be imposed under subsection (1) above (or under that subsection as read with either or both of sections 252(2) of this Act and section [F3 118(2) [F4, (2A) and (2B)] of the Proceeds of Crime Act 2002] exceeds that number of years,
- he shall remit the case to the High Court for sentence.

Textual Amendments

- F1** Words in s. 219(1) inserted (4.4.2005) by [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), ss. 144(1), 145(2), [Sch. 4 para. 5\(4\)\(a\)](#); S.S.I. 2004/420, [art. 3](#), Sch. 5
- F2** S. 219(1A) inserted (4.4.2005) by [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), ss. 144(1), 145(2), [Sch. 4 para. 5\(4\)\(b\)](#); S.S.I. 2004/420, [art. 3](#), Sch. 5
- F3** Words in s. 219(8)(b) substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 458, [Sch. 11 para. 29\(4\)](#); S.S.I. 2003/210, [art. 2](#), Sch. (subject to arts. 3-7)
- F4** Words in s. 219(8)(b) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 19\(3\)](#), 88(2)(a); S.S.I. 2016/11, [reg. 2\(d\)](#) (with [reg. 3](#))

Modifications etc. (not altering text)

- C1** S. 219 applied (with modifications) (1.4.1996) by [1995 c. 43](#), [ss. 14\(2\)\(f\)](#), 50(2)
S. 219 applied (with modifications) (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), [ss. 118\(1\)\(2\)\(f\)\(5\)](#), 458; S.S.I. 2003/210, [art. 2](#) (subject to arts. 3-7)
- C2** S. 219(2)(2A): power to amend conferred by 2002 c. 29, s. 118(2B)(a)(b) (as inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 19\(1\)\(b\)](#), 88(2)(a); S.S.I. 2016/11, [reg. 2\(d\)](#) (with [reg. 3](#)))
- C3** S. 219(2) modified by 2002 c. 29, s. 118(2A) (as inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 19\(1\)\(b\)](#), 88(2)(a); S.S.I. 2016/11, [reg. 2\(d\)](#) (with [reg. 3](#)))

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5A inserted by [2010 asp 13 Sch. 7 para. 26](#)
- s. 13(1B)(1C) inserted by [2006 asp 10 s. 82\(2\)](#)
- s. 13(2)(aa) inserted by [2006 asp 10 s. 82\(3\)\(b\)](#)
- s. 13(3A) inserted by [2006 asp 10 s. 82\(4\)](#)
- s. 13(5)(ba) inserted by [2006 asp 10 s. 82\(5\)\(a\)](#)
- s. 13(6)(a)(iii) and word inserted by [2006 asp 10 s. 82\(6\)\(b\)](#)
- s. 13(8) inserted by [2006 asp 10 s. 82\(7\)](#)
- s. 22(5A) inserted by [2007 asp 6 s. 7\(2\)\(g\)](#)
- s. 22A(1A) inserted by [2023 asp 4 s. 1\(2\)](#)
- s. 23B(1)(1A) substituted for s. 23B(1) by [2023 asp 4 s. 2\(2\)\(a\)](#)
- s. 23B(6A) inserted by [2023 asp 4 s. 1\(3\)\(c\)](#)
- s. 23B(8)-(10) inserted by [2023 asp 4 s. 2\(2\)\(c\)](#)
- s. 23C(1A) inserted by [2023 asp 4 s. 2\(3\)\(b\)](#)
- s. 23C(3) inserted by [2023 asp 4 s. 2\(3\)\(c\)](#)
- s. 24(2C) inserted by [2023 asp 4 s. 4\(4\)](#)
- s. 24(2AA) inserted by [2023 asp 4 s. 4\(2\)](#)
- s. 73A inserted by [2004 asp 3 s. 2\(3\)](#)
- s. 167(7D)(7E) inserted by [2007 asp 17 sch. 4 para. 1\(3\)](#)
- s. 167(7D) words substituted by [2010 asp 13 Sch. 3 para. 16\(2\)](#)
- s. 167(7E) words substituted by [2010 asp 13 Sch. 3 para. 16\(3\)](#)
- s. 194ZA repealed by [2014 asp 18 sch. 3 para. 25](#)
- s. 200A inserted by [2016 asp 1 s. 85](#)
- s. 205A added by [1997 c. 48 s. 1\(1\)](#) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by 2003 asp 7, s. 19(3); S.S.I. 2003/288, art. 2, Sch.)
- s. 210ZA inserted by [2023 asp 4 s. 5](#)
- s. 249(4A)-(4D) inserted by [2014 asp 1 s. 24](#)
- s. 271D(4A) inserted by [2019 asp 8 s. 6\(4\)](#)
- s. 271F(2)(aa) inserted by [2019 asp 8 s. 10\(4\)](#)
- s. 271AA inserted by [2019 asp 8 s. 6\(2\)](#)
- s. 271BZD inserted by [2019 asp 8 s. 3\(2\)](#)
- s. 288AB288AC inserted by [2024 asp 1 s. 32\(3\)](#)
- Sch. 5A added by [1997 c. 48 s. 1\(2\)](#) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by 2003 asp 7, s. 19(3); S.S.I. 2003/288, art. 2, Sch.)