



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XI

SENTENCING

Fines

221 Fines: recovery by civil diligence.

- (1) Where any fine falls to be recovered by civil diligence in pursuance of this Act or in any case in which a court may think it expedient to order a fine to be recovered by civil diligence, there shall be added to the finding of the court imposing the fine a warrant for civil diligence in a form prescribed by Act of Adjournal which shall have the effect of authorising—
- (a) the charging of the person who has been fined to pay the fine within the period specified in the charge and, in the event of failure to make such payment within that period,
 - [^{F1}(i) the execution of an arrestment;
 - (ii) the attachment of articles belonging to him; and
 - (iii) the execution of a money attachment ,]and, if necessary for the purpose of executing the [^{F2}attachment][^{F3} or the money attachment], the opening of shut and lockfast places;
 - (b) an arrestment other than an arrestment of earnings in the hands of his employer,
- and such diligence, whatever the amount of the fine imposed, may be executed in the same manner as if the proceedings were on an extract decree of the sheriff in a summary cause.
- (2) Subject to subsection (3) below, proceedings by civil diligence under this section may be taken at any time after the imposition of the fine to which they relate.
- (3) No such proceedings shall be authorised after the offender has been imprisoned in consequence of his having defaulted in payment of the fine.

Status: Point in time view as at 01/03/2016. This version of this provision has been superseded.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 221 is up to date with all changes known to be in force on or before 05 April 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)

- (4) Where proceedings by civil diligence for the recovery of a fine or caution are taken, imprisonment for non-payment of the fine or for failure to find such caution shall remain competent and such proceedings may be authorised after the court has imposed imprisonment for, or in the event of, the non-payment or the failure but before imprisonment has followed such imposition.

Textual Amendments

- F1** S. 221(1)(a)(i)-(iii) substituted for words (23.11.2009) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), ss. 226, 227, **Sch. 5 para. 23(a)** (with s. 223); S.S.I. 2009/369, **art. 3(2)(3)**, Sch. 1
- F2** Words in s. 221(1)(a) substituted (30.12.2002) by [Debt Arrangement and Attachment \(Scotland\) Act 2002 \(asp 17\)](#), s. 61, **Sch. 3 Pt. 1 para. 25** (with s. 63)
- F3** Words in s. 221(1)(a) inserted (23.11.2009) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), ss. 226, 227, **Sch. 5 para. 23(b)** (with s. 223); S.S.I. 2009/369, **art. 3(2)(3)**, Sch. 1

Modifications etc. (not altering text)

- C1** S. 221 applied (with modifications) (1.4.1996) by 1995 c. 43, **ss. 14(2)(h)**, 50(2)
S. 221 applied (1.1.2003) by [Fur Farming \(Prohibition\) \(Scotland\) Act 2002 \(asp 10\)](#), **s. 3(2)**; S.S.I. 2002/519, **art. 2**
- C2** S. 221 applied (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), **ss. 118(1)(2)(h)**, 458; S.S.I. 2003/210, **art. 2** (with transitional provisions in arts. 3-7) (as amended (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), **ss. 19(1)(a)**, 88(2)(a); S.S.I. 2016/11, reg. 2(d) (with reg. 3))
- C3** S. 221 applied (1.3.2007) by [The Sea Fishing \(Prohibition on the Removal of Shark Fins\) \(Scotland\) Order 2007 \(S.S.I. 2007/39\)](#), **art. 4(3)**
- C4** S. 221 applied (29.11.2012) by [Glasgow Commonwealth Games Act 2008 \(asp 4\)](#), **ss. 36(3)**, 49; S.S.I. 2012/261, art. 2, sch.

Status:

Point in time view as at 01/03/2016. This version of this provision has been superseded.

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Section 221 is up to date with all changes known to be in force on or before 05 April 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.