



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XI

#### SENTENCING

##### *[<sup>F1</sup>Enforcement of fines etc.: fines enforcement officers*

##### **[<sup>F1</sup>226I Enforcement of fines etc.: interpretation**

(1) [<sup>F2</sup>In] this section and sections 226A to [<sup>F3</sup>226H] of this Act—

F4  
...  
F4  
...  
F4  
...  
F4  
...

“enforcement order” is to be construed in accordance with section 226B(1) and (4) to [<sup>F5</sup>(6)] of this Act;

“FEO” means a fines enforcement officer;

F4  
...  
F4  
...

“offender” means the person who is liable to pay a relevant penalty;

“relevant court”—

(a) in the case of a fine or compensation order, means—

- (i) the court which imposed the penalty; or
- (ii) where the penalty is transferred to another court, that other court;

(b) in the case of another relevant penalty (apart from a penalty specified by order for the purposes of this section), means—

- (i) the court whose clerk is specified in the notice to the offender; or
- (ii) where the penalty is transferred to another court, that other court;

*Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 226I is up to date with all changes known to be in force on or before 15 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) View outstanding changes*

- (c) in the case of a penalty specified by order for the purposes of this section, means—
- (i) the court whose clerk is specified in the notice to the offender;
  - (ii) where the penalty is transferred to another court, that other court; or
  - (iii) such other court as the order may specify for those purposes.
- (d) <sup>F6</sup> ...
- “relevant penalty” means—
- (a) a fine;
  - (b) a compensation order imposed under section 249 of this Act;
  - (c) a fixed penalty offer made under section 302(1) of this Act;
  - (d) a compensation offer made under section 302A(1) of this Act;
  - (e) a fixed penalty notice given under section 54 (giving notices for fixed penalty offences) or section 62 (fixing notices to vehicles) of the Road Traffic Offenders Act 1988 (c. 53);
  - (f) a fixed penalty notice given under section 129 (fixed penalty notices) of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8);
  - (g) such other penalty as the Scottish Ministers may by order specify for the purposes of this section.

<sup>F7</sup>(1A) .....

- (2) An order specifying a penalty or a court for the purpose of this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.]

#### Textual Amendments

- F1** Ss. 226A-226I and preceding cross-heading inserted (10.3.2008 for certain purposes and otherwise prosp.) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\), ss. 55, 84; S.I. 2008/42, art. 3, Sch.](#)
- F2** Word in s. 226I(1) substituted (31.12.2020) by [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\), regs. 1\(3\), 3\(6\)\(a\)\(i\) \(with reg. 6\)](#)
- F3** Word in s. 226I(1) substituted (31.12.2020) by [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\), regs. 1\(3\), 3\(6\)\(a\)\(ii\) \(with reg. 6\)](#)
- F4** Words in s. 226I(1) omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\), regs. 1\(3\), 3\(6\)\(a\)\(iii\) \(with reg. 6\)](#)
- F5** Word in s. 226I(1) substituted (31.12.2020) by [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\), regs. 1\(3\), 3\(6\)\(a\)\(iv\) \(with reg. 6\)](#)
- F6** Words in s. 226I(1) omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\), regs. 1\(3\), 3\(6\)\(a\)\(v\) \(with reg. 6\)](#)
- F7** S. 226I(1A) omitted (31.12.2020) by virtue of [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\), regs. 1\(3\), 3\(6\)\(b\) \(with reg. 6\)](#)

#### Modifications etc. (not altering text)

- C1** S. 226I applied (with modifications) (temp.) (8.6.2020) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/169\), regs. 1\(2\), 11\(4\)\(5\) \(with reg. 15\)](#)
- C2** S. 226I applied (with modifications) (temp.) (5.8.2020 at 5.00 p.m.) by [The Health Protection \(Coronavirus, Restrictions\) \(Aberdeen City\) Regulations 2020 \(S.S.I. 2020/234\), regs. 1\(1\), 8\(6\)\(7\) \(with reg. 9\)](#)

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- C3** S. 226I applied (with modifications) (temp.) (28.8.2020) by [The Health Protection \(Coronavirus, Restrictions\) \(Directions by Local Authorities\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/262\)](#), regs. 1(2), **13(7)(8)** (with reg. 15)
- C4** S. 226I applied (with modifications) (temp.) (14.9.2020) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/279\)](#), regs. 1, **16(7)(8)** (with reg. 17)
- C5** S. 226I applied (with modifications) (temp.) (9.10.2020 at 1800 hours) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Additional Temporary Measures\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/318\)](#), regs. 1(1), **27(7)(8)** (with regs. 4, 28)
- C6** S. 226I applied (with modifications) (temp.) (2.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/344\)](#), regs. 1(1), **7(7)(8)** (with reg. 9)
- C7** S. 226I applied (with modifications) (temp.) (9.8.2021) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/277\)](#), regs. 1(1), **17(7)(8)** (with reg. 19)
- C8** S. 226I applied (with modifications) (temp.) (20.9.2021) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/322\)](#), regs. 1(2), **35(4)(5)** (with reg. 50)

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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.)