



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XI

#### SENTENCING

##### *[<sup>F1</sup>Unpaid work or other activity requirement*

##### **[<sup>F1</sup>227M Fine defaulters**

- (1) This section applies where—
  - (a) a fine has been imposed on an offender in respect of an offence,
  - (b) the offender fails to pay the fine or an instalment of the fine,
  - (c) the offender is not serving a sentence of imprisonment, and
  - (d) apart from this section, the court would have imposed a period of imprisonment on the offender under section 219(1) of this Act in respect of the failure to pay the fine or instalment.
- (2) Instead of imposing a period of imprisonment under section 219(1) of this Act, the court—
  - (a) where the amount of the fine or the instalment does not exceed level 2 on the standard scale, must impose a community payback order on the offender imposing a level 1 unpaid work or other activity requirement,
  - (b) where the amount of the fine or the instalment exceeds that level, may impose such a community payback order.
- (3) The court, in imposing a community payback order under subsection (2) on a person aged 16 or 17, must also impose an offender supervision requirement.
- (4) Where the amount of the fine or the instalment does not exceed level 1 on the standard scale, the number of hours specified in the requirement must not exceed 50.
- (5) On completion of the hours of unpaid work and any other activity specified in an unpaid work or other activity requirement imposed under this section, the fine in

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*Status: Point in time view as at 16/08/2013.*

*Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 227M is up to date with all changes known to be in force on or before 08 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)*

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respect of which the requirement was imposed is discharged (or, as the case may be, the outstanding instalments of the fine are discharged).

- (6) If, after a community payback order is imposed on an offender under this section, the offender pays the fine or the full amount of any outstanding instalments, the appropriate court must discharge the order.
- (7) Subsection (2) is subject to sections 227J(1) and 227N(2), (3) and (7).
- (8) In this section, “ court ” does not include the High Court. ]

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#### **Textual Amendments**

- F1** Ss. 227A-227ZN and cross-headings inserted (1.2.2011 except for the insertion of s. 227ZM, 1.4.2011 in so far as not already in force) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 14(1)**, 206(1); S.S.I. 2010/413, art. 2, sch. (with art. 3(1))

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