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STATUTORY INSTRUMENTS

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**1996 No. 617 (S.60)**

**CRIMINAL LAW, SCOTLAND**

**The Criminal Justice (Scotland)  
Act 1987 Fixed Penalty Order 1996**

<i>Made</i>	- - - -	<i>5th March 1996</i>
<i>Laid before Parliament</i>		<i>8th March 1996</i>
<i>Coming into force</i>	- -	<i>31st March 1996</i>

The Secretary of State, in exercise of the powers conferred on him by section 56(7) and 7(A) of the Criminal Justice (Scotland) Act 1987<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Criminal Justice (Scotland) Act 1987 Fixed Penalty Order 1996.

(2) This Order shall, subject to paragraph (3), come into force on 31st March 1996.

(3) This Order shall not apply in respect of any conditional offer made before 31st March 1996.

2. In this Order:—

“the Act” means the Criminal Justice (Scotland) Act 1987; and

“conditional offer” means a conditional offer made under section 56 of the Act.

**Scale of fixed penalties**

3. For the purposes of section 56 of the Act (conditional offer of fixed penalty by procurator fiscal), there is hereby prescribed the scale of fixed penalties specified in the Schedule to this Order.

**Payment of fixed penalties**

4.—(1) Subject to article 5 of this Order, any fixed penalty may be paid in equal instalments of such sum, not exceeding, in any case, £20 as may be determined by the procurator fiscal and specified in the conditional offer.

(2) Each instalment shall become due for payment as follows:—

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(1) 1987 c. 41; Paragraphs (7) and (7A) of section 56 were inserted by section 61(6) of the Criminal Justice (Scotland) Act 1995 (c. 20).

- (a) on the fourteenth day after acceptance of the conditional offer by making payment of the first instalment in accordance with section 56 of the Act, the second instalment shall become due for payment; and
  - (b) each subsequent instalment shall become due for payment on the fourteenth day after the immediately preceding instalment became so due.
- (3) Subject to paragraph (4), payment of each instalment shall be made on or before the day on which that instalment becomes due for payment in accordance with paragraph (2).
- (4) Where the day on which any instalment becomes due for payment under paragraph (2) falls on a Saturday, Sunday or court holiday prescribed for the relevant court, payment of that instalment may be made on the next day which is not a Saturday, Sunday or such court holiday.
- 5.** Where payment of any instalment (other than the first instalment) has not been made in accordance with article 4 of this Order, the whole of the amount of the fixed penalty then outstanding shall immediately fall due for payment.

### **Revocation**

- 6.** Subject to article 1(3) of this Order, the Criminal Justice (Scotland) Act 1987 Fixed Penalty Order 1987(2) is hereby revoked.

St Andrew's House,  
Edinburgh  
5th March 1996

*James Douglas-Hamilton*  
Minister of State, Scottish Office

## SCHEDULE

Article 3

### THE SCALE OF FIXED PENALTIES

Level on the scale	Amount of fixed penalty
1	£25.00
2	£50.00
3	£75.00
4	£100.00

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order prescribes a scale of fixed penalties for the purposes of section 56 of the Criminal Justice (Scotland) Act 1987 (article 3 and the Schedule). The effect of the Order will be to enable a procurator fiscal when issuing any conditional offer under that section to specify as the fixed penalty in that offer such amount as he thinks fit being an amount which represents a level on the prescribed scale.

Articles 4 and 5 of the Order make provision as to the payment of any fixed penalty by instalment and as to what should happen when any such instalment is not paid.

The Order revokes the Criminal Justice (Scotland) Act 1987 Fixed Penalty Order 1987 ([S.I. 1987/2025](#)) (“the 1987 Order”). The 1987 Order prescribed the amount of the fixed penalty to be £25.

The Order comes into effect on 31st March 1996 but article 1(3) of the Order provides that it shall not apply in respect of any conditional offer made before that date.