

Criminal Proceedings etc. (Reform) (Scotland) Act 2007

2007 asp 6

PART 3

PENALTIES

Sentencing powers

45 Other statutory offences

- (1) The maximum term of imprisonment to which a person is liable on summary conviction of a relevant offence is, by virtue of this subsection, 12 months.
- (2) Accordingly, the specification of a maximum period of imprisonment in every relevant penalty provision is, in relation to any relevant offence to which it applies, to be read subject to subsection (1).
- (3) Without prejudice to subsections (1) and (2), the Scottish Ministers may by order amend the specification of a maximum term of imprisonment in a relevant penalty provision so as to specify, in relation to the relevant offence to which it applies, that the maximum term of imprisonment to which a person is liable on summary conviction is 12 months.
- (4) The specification of a maximum period of imprisonment in a relevant power is, in relation to any offence to which it applies, to be read as a period of 12 months.
- (5) Without prejudice to subsection (4), the Scottish Ministers may by order amend a relevant power so as to increase to 12 months the maximum term of imprisonment specified in the power.
- (6) In this section, a “relevant offence” is an offence under a relevant enactment or instrument which is—
 - (a) triable either on indictment or summary complaint, and
 - (b) punishable on summary conviction with a maximum term of imprisonment of less than 12 months.

Changes to legislation: There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 45. (See end of Document for details)

(7) In this section—

a “relevant enactment” is an Act passed before this Act,

a “relevant instrument” is any subordinate legislation made before the passing of this Act,

a “relevant penalty provision” is a provision of a relevant enactment or instrument which specifies the penalties to which a person is liable on summary conviction of a relevant offence,

a “relevant power” is a provision of a relevant enactment which confers a power (however expressed) for subordinate legislation to make a person, as regards an offence that is triable either on indictment or summary complaint, liable on summary conviction to a maximum term of imprisonment of less than 12 months.

(8) For the purposes of subsection (7), reference to the passing of an Act is to be construed, in the case of an Act of the Scottish Parliament (including this Act), as reference to the passing by the Parliament of the Bill for the Act.

Modifications etc. (not altering text)

C1 S. 45 excluded (7.3.2008) by The Controlled Drugs (Drug Precursors)(Community External Trade) Regulations 2008 (S.I. 2008/296), {regs. 6(6)}, {7(6)}

Commencement Information

II S. 45 wholly in force at 10.12.2007; s. 45 not in force at Royal Assent, see s. 84; s. 45 in force at 10.12.2007 by S.S.I. 2007/479, **art. 3, Sch.** (subject to artificial provision in **art. 12**)

Changes to legislation:

There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 45.