



Criminal Justice (Scotland) Act 1980

1980 CHAPTER 62

PART III

PENALTIES

50 **Maximum period of imprisonment for non-payment of fine in summary proceedings**

In section 407 of the 1975 Act (imprisonment for non-payment of fine), for subsection (1) there shall be substituted the following subsections—

“(1) Subject to sections 396 to 401 of this Act

- (a) a court of summary jurisdiction may, when imposing a fine, impose a period of imprisonment in default of payment; or
- (b) where no order has been made under paragraph (a) above and a person fails to pay a fine, or any part or instalment of a fine, by the time ordered by the court (or, where section 396(2) of this Act applies, immediately) the court may impose a period of imprisonment for such failure,

whether or not the fine is imposed under an enactment which makes provision for its enforcement or recovery.

(1A) Subject to the following subsections of this section, the maximum period of imprisonment which may be imposed under subsection (1) above or for failure to find caution, shall be as follows—

<i>Amount of Fine or of Caution</i>	<i>Maximum Period of Imprisonment</i>
Not exceeding £25	7 days
Exceeding £25 but not exceeding £50	14 days
Exceeding £50 but not exceeding £200	30 days

Status: This is the original version (as it was originally enacted).

<i>Amount of Fine or of Caution</i>	<i>Maximum Period of Imprisonment</i>
Exceeding £200 but not exceeding £500	60 days
Exceeding £500 but not exceeding £1,000	90 days
Exceeding £1,000 but not exceeding £2,500	6 months
Exceeding £2,500 but not exceeding £5,000	9 months
Exceeding £5,000	12 months

- (1B) Where an offender is fined on the same day before the same court for offences charged in the same complaint or in separate complaints, the amount of the fine shall, for the purposes of this section, be taken to be the total of the fines imposed.
- (1C) Where a court has imposed a period of imprisonment in default of payment of a fine, and—
- (a) an instalment of the fine is not paid at the time ordered; or
 - (b) part only of the fine has been paid within the time allowed for payment,
- the offender shall be liable to imprisonment for a period which bears to the period so imposed the same proportion, as nearly as may be, as the amount outstanding at the time when warrant is issued for imprisonment of the offender in default bears to the original fine.
- (1D) Where no period of imprisonment in default of payment of a fine has been imposed and—
- (a) an instalment of the fine is not paid at the time ordered; or
 - (b) part only of the fine has been paid within the time allowed for payment,
- the offender shall be liable to imprisonment for a maximum period which bears, as nearly as may be, the same proportion to the maximum period of imprisonment which could have been imposed by virtue of the Table in subsection (1A) above in default of payment of the original fine as the amount outstanding at the time when he appears before the court bears to the original fine.”.