



Criminal Procedure (Scotland) Act 1975

1975 CHAPTER 21

PROCEDURE PRIOR TO TRIAL

CONVICTION AND SENTENCE

Penalties for statutory offences

193 Power to mitigate penalties.

In proceedings in respect of the contravention of any statute or order, where each contravention involves any of the following punishments, namely, imprisonment, the imposition of a fine, the finding of caution for good behaviour or otherwise, either singly or in combination with imprisonment or fine, the court shall have in addition to any other powers conferred by Act of Parliament the following powers, viz.:—

- (1) to reduce the period of imprisonment:
- (2) to substitute for imprisonment (either with or without caution for good behaviour, not exceeding [^{F1}the prescribed sum within the meaning of section 289B of this Act] and a period of 12 months) a fine . . . ^{F2}.
- (3) to substitute the finding of caution not exceeding [^{F1}the prescribed sum within the meaning of section 289B of this Act] and the period of 12 months for a fine or imprisonment:
- (4) to reduce the amount of any fine:
- (5) to dispense with the finding of caution:

Provided that,

- (i) where any Act carries into effect a treaty, convention, or agreement with a foreign state, and such treaty, convention, or agreement stipulates for a fine of minimum amount, the court shall not be entitled by virtue of this section to reduce the amount of such fine below that minimum amount;
- (ii) this section shall not apply to proceedings taken under any Act relating to any of Her Majesty's regular or auxiliary forces.

Changes to legislation: Criminal Procedure (Scotland) Act 1975, Cross Heading: Penalties for statutory offences is up to date with all changes known to be in force on or before 29 June 2023. 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

Textual Amendments

- F1** Words substituted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), **s. 46(2)**
F2 Words repealed by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), **Sch. 6 para. 1, Sch. 8**

[^{F3}193A Fines on conviction on indictment to be without limit.

[Where a person convicted on indictment of any offence (whether triable only on ^{F4}(1) indictment or triable either on indictment or summarily [^{F5}other than by virtue of [^{F6}section 457A(4) of this Act]) would, apart from this [^{F7}subsection] be liable to a fine [^{F8}of or] not exceeding a specified amount, he shall by virtue of this [^{F7}subsection] be liable to a fine of any amount.]

[Where any Act confers a power by subordinate instrument to make a person liable on ^{F9}(2) conviction on indictment of any offence mentioned in subsection (1) above to a fine or a maximum fine of a specified amount, or which shall not exceed a specified amount, the fine which may be provided in the exercise of that power shall by virtue of this subsection be a fine of an unlimited amount.]]

Textual Amendments

- F3** [S. 193A](#) inserted by [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), **Sch. 11 para. 1**
F4 Word inserted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 15 para. 17(a)**
F5 Words inserted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), **Sch. 7 para. 37**
F6 Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 15 para. 17(b)**
F7 Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 15 para. 17(d)**
F8 Words inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 15 para. 17(c)**
F9 [S. 193A\(2\)](#) inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 15 para. 17(e)**

193B ^{F10}

Textual Amendments

- F10** [S. 193B](#) which was inserted by [Law Reform \(Miscellaneous Provisions\) Act 1985 \(c. 73, SIF 39:1\)](#), **s.39, Sch. 3 para. 1** is now repealed by [Criminal Justice \(Scotland\) Act 1987 \(c. 41, SIF 39:1\)](#), **ss. 47(4)(a), 70(2), Sch. 2**

Changes to legislation:

Criminal Procedure (Scotland) Act 1975, Cross Heading: Penalties for statutory offences is up to date with all changes known to be in force on or before 29 June 2023. 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act certain function transferred. by [1994 c. 39 s. 127\(1\)128](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 168(c)(ii) amended (prosp.) by [1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(6\)\(b\)](#)
- s. 364(c)(ii) amended (prosp.) by [1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(14\)\(b\)](#)
- s. 413(3) (defn.of "the appropriate local authority") para. (a)(b) amended by [1994 c. 39 Sch. 13 para. 97\(5\)](#)
- s. 413(3) (defns. of "care" and "the 1968 Act") repealed (prosp.) by [1995 c. 36 s. 105\(4\)\(5\)Sch. 4 para. 24\(17\)\(b\)\(i\)Sch. 5](#)
- s. 462 (defns. of "child" "children's hearing" "place of safety" "residential establishment" and "supervision requirement") amended (prosp.) by [1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(18\)](#)
- s. 462 (defns. of "crime" and "prosecutor") applied (prosp.) by [1995 c. 36 s. 53\(7\)](#)