

Changes to legislation: Criminal Procedure (Scotland) Act 1975, Paragraph 1 is up to date with all changes known to be in force on or before 12 May 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

SCHEDULES

[^{F1}SCHEDULE 7B]

ALTERATION OF PENALTIES ON SUMMARY CONVICTION OF CERTAIN OFFENCES

Textual Amendments

F1 Sch. 7B inserted by Criminal Law Act 1977 (c. 45, SIF 39:1), Sch. 11 para. 12

Modifications etc. (not altering text)

C1 Schedule 7B saved retrospectively by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 56

- 1 (1) The ^{M1}Misuse of Drugs Act 1971 shall be amended as follows—
- (a) . . . ^{F1}
 - (b) in the entries in Schedule 4 showing the punishment that may be imposed on persons summarily convicted of offences mentioned in subparagraph (2)(b) below, for “6 months or £200, or both” there shall be substituted “3 months or [^{F2}level 4 on the standard scale] or both”; and
 - (c) in the entry in Schedule 4 relating to section 5(2)—
 - (i) for “6 months or £400, or both” (being the maximum punishment on summary conviction of an offence under that section where a Class B drug was involved) there shall be substituted “3 months or [^{F2}level 4 on the standard scale], or both”; and
 - (ii) for “6 months or £200, or both” (being the maximum punishment on summary conviction of such an offence where a Class C drug was involved) there shall be substituted “3 months or [^{F2}level 3 on the standard scale], or both”.
- (2) The offences to which (as provided in section 289B(7) above) section 289B(1) above does not apply are—
- (a) offences under section 5(2) of the Misuse of Drugs Act 1971 (having possession of a controlled drug) where the controlled drug in relation to which the offence was committed was a Class B or Class C drug;
 - (b) offences under the following provisions of that Act, where the controlled drug in relation to which the offence was committed was a Class C drug, namely—
 - (i) section 4(2) (production, or being concerned in the production, of a controlled drug);
 - (ii) section 4(3) (supplying or offering a controlled drug or being concerned in the doing of either activity by another);
 - (iii) section 5(3) (having possession of a controlled drug with intent to supply it to another);

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- (iv) section 8 (being the occupier, or concerned in the management, of premises and permitting or suffering certain activities to take place there);
 - (v) section 12(6) (contravention of direction prohibiting practitioner etc. from possessing, supplying etc. controlled drugs); or
 - (vi) section 13(3) (contravention of direction prohibiting practitioner etc. from prescribing, supplying etc. controlled drugs);
- (c) . . . ^{F3}

(3) In this paragraph “controlled drug”, “Class B drug” and “Class C drug” have the same meaning as in the ^{M2}Misuse of Drugs Act 1971.

Textual Amendments

- F1** Para. 1(1)(a) repealed by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), **Sch. 8**
- F2** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**, (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G** and (N.I.) 1984/703, (N.I. 13), art. 5
- F3** Para. 1(2)(c) repealed by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), **Sch. 8**

Marginal Citations

- M1** 1971 c. 38(84).
- M2** 1971 c. 38(84).

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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\(7\)](#)