



# Criminal Procedure (Scotland) Act 1975

## 1975 CHAPTER 21

### PART II

#### SUMMARY PROCEDURE

##### *Jurisdiction*

#### **289F Increase of fines for certain summary offences.**

- (1) Subject to subsections (2) to (7) and (9) below, this section applies where any Act passed on or before 29th July 1977 (the date of the passing of the <sup>M1</sup>Criminal Law Act 1977)—
  - (a) makes a person liable on conviction of an offence triable only summarily to a fine or a maximum fine which is less than £1,000; or
  - (b) confers a power by subordinate instrument to make a person liable on conviction of an offence triable only summarily (whether or not created by the instrument) to a fine or a maximum fine which is less than £1,000, or a fine or a maximum fine which shall not exceed an amount of less than £1,000, and the fine or maximum fine which may be imposed or, as the case may be, for which the subordinate instrument may provide has not been altered by—
    - (i) section 289A of this Act;
    - (ii) section 289C of this Act (except where section 289E(3) of this Act applies);
    - (iii) section 30(3) of the Criminal Law Act 1977;
    - (iv) an enactment passed or made after 29th July 1977 and before the commencement of this section.
- (2) In the case of an offence to which section 457A(1)(b) of this Act applies, paragraphs (i) to (iii) of subsection (1) above do not apply and the fine or the maximum fine referred to in subsection (8) below is the fine or the maximum fine for the offence immediately before 29th July 1977 as amended, where applicable, by section 289E of this Act.
- (3) This section also applies where any enactment—

*Status: Point in time view as at 01/02/1991.*

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- (a) is contained in a consolidation Act passed after 29th July 1977 and before the commencement of this section; and
  - (b) otherwise fulfils the conditions of subsection (1) above as amended by subsection (2) above where it applies; and
  - (c) is a re-enactment (with or without modification) of an enactment passed on or before that date.
- (4) Subject to subsection (9) below, where an Act provides or confers a power to provide for, on conviction of an offence triable only summarily, a fine or a maximum fine in respect of a specified quantity or a specified number of things, that fine or maximum fine is the fine or, as the case may be, the maximum fine for the purposes of this section.
- (5) Where an Act to which this section applies provides or confers a power to provide different fines or maximum fines in relation to different circumstances or persons of different descriptions, such fines or maximum fines are to be treated separately for the purposes of this section.
- (6) This section also applies where the penalties or maximum penalties provided or for which provision may be made by or under any Act on first and on second or subsequent conviction of an offence have been made the same by operation of section 289E of this Act; and in that case the fine or the maximum fine referred to in subsection (8) below is the maximum fine to which a person is or may be made liable by virtue of that section.
- (7) This section does not apply in the case of—
- (a) so much of any Act as (in whatever words) makes a person liable or provides for a person to be made liable to a fine or a maximum fine for each period of a specified length during which a continuing offence is committed;
  - (b) section 67(3) of the <sup>M2</sup>Transport Act 1962;
  - (c) sections 40(5) and 44(1) of the <sup>M3</sup>Road Traffic Act 1972;
  - (d) an enactment mentioned in Schedule 1 to the <sup>M4</sup>British Railways Act 1977 to the extent that the enactment was amended by section 13(1) of that Act;
  - (e) an enactment mentioned in Schedule 7D to this Act or in Schedule 2 to the <sup>M5</sup>Criminal Justice Act 1982.
- (8) Where this section applies, the fine or, as the case may be, the maximum fine to which a person is or may be made liable by or under the Act shall be increased to the amount shown in column 2 of the Table below opposite the band in column 1 within which the fine or the maximum fine referred to in subsection (1) above falls.

<i>Column 1</i>	<i>Column 2</i>
<b>Fine or maximum fine</b>	<b>Increased amount</b>
Under £25	£25
Under £50 but not less than £25	£50
Under £200 but not less than £50	£200
Under £400 but not less than £200	£500
Under £1,000 but not less than £400	£1,000

- (9) Where an Act to which this section applies provides or confers a power to provide for, on conviction of an offence triable only summarily, a fine or a maximum fine in respect of a specified quantity or a specified number of things but also provides or

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confers a power to provide for an alternative fine or maximum fine as regards the offence, subsection (8) above shall have effect to increase—

- (a) the alternative fine; and
- (b) any amount that the Act provides or confers a power to provide for as the maximum which a fine as regards the offence may not exceed,

as well as the fine or maximum fine which it has effect to increase by virtue of subsection (4) above.

- (10) This section does not affect the penalty which may be imposed in respect of an offence committed before it comes into force.

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**Marginal Citations**

- M1** 1977 c. 45(39:1).
- M2** 1962 c. 46(126).
- M3** 1972 c. 20(107:1).
- M4** 1977 c. xvii.
- M5** 1982 c. 48(39:1).

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