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**Changes to legislation:** There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, Cross Heading: Standard scale: amendment of enactments. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 1

#### SETTING AND ALTERATION OF CERTAIN PENALTIES

##### *Standard scale: amendment of enactments*

- 6 (1) Subject to sub-paragraph (5) below, where—
- (a) an enactment to which sub-paragraph (2) below applies either—
    - (i) makes a person liable on conviction of an offence triable only summarily (whether created by that enactment or otherwise) to a fine or a maximum fine; or
    - (ii) 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; and
  - (b) the amount of the fine or the maximum fine is, whether by virtue of that enactment or otherwise, an amount shown in the second column of the standard scale,
- for the reference in the enactment to the amount of the fine or maximum fine there shall be substituted a reference to the level on the standard scale shown in the first column thereof as corresponding to the amount in the second column thereof referred to in sub-sub-paragraph (b) above.
- (2) This sub-paragraph applies to an enactment in any Act passed before 11th April 1983.
- (3) Subject to sub-paragraph (4) 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 paragraph.
- (4) 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 but also provides or confers a power to provide for an alternative fine or maximum fine as regards the offence, the fine or the maximum fine for the purposes of this paragraph is—
- (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 referred to in sub-paragraph (3) above.
- (5) Sub-paragraph (1) above does not apply to 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.

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- (6) Where an enactment to which sub-paragraph (2) above applies confers a power such as is mentioned in sub-paragraph (1)(a)(ii) above, the power shall be construed as a power to make a person liable to a fine or, as the case may be, a maximum fine of the amount corresponding to the level on the standard scale to which the enactment refers by virtue of sub-paragraph (1) above or of a lesser amount.
- (7) Subject to sub-paragraph (9) below, where under a relevant subordinate instrument the fine or maximum fine on conviction of a summary offence specified in the instrument is an amount shown in the second column of the standard scale, the reference in the instrument to the amount of the fine or maximum fine shall be construed as a reference to the level in the first column of the standard scale corresponding to that amount.
- (8) In sub-paragraph (7) above, “relevant subordinate instrument” means any instrument made by virtue of an enactment after 30th April 1984 and before 12th October 1988 (the date of commencement of section 66 of the <sup>M1</sup>Criminal Justice (Scotland) Act 1987).
- (9) Sub-paragraph (7) above shall not affect so much of any instrument as (in whatever words) makes a person liable on summary conviction to a fine not exceeding a specified amount for each period of a specified length during which a continuing offence is continued after conviction or the occurrence of any other specified event.
- (10) Where there is—
- (a) under any enactment (however framed or worded) contained in an Act passed before 12th October 1988,
  - (b) under any instrument (however framed or worded) made by virtue of such an enactment,
- a power to provide by subordinate instrument that a person, as regards any summary offence (whether or not created by the instrument) shall be liable on conviction to a fine, a person may be so made liable to a fine not exceeding a specified level on the standard scale.
- (11) Sub-paragraph (10) above has effect in relation to exercises of powers before as well as after 12th October 1988.

**Marginal Citations**

M1 1987 c. 41.

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