

Status: Point in time view as at 06/04/2007.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Cross Heading: Fines: discharge from imprisonment and penalties is up to date with all changes known to be in force on or before 27 May 2024. 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)



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XI

SENTENCING

VALID FROM 12/10/2009

[^{F1}Fines: discharge from imprisonment and penalties

Textual Amendments

- F1** Ss. 223A-223T and cross-headings inserted (12.10.2009) by The Mutual Recognition of Criminal Financial Penalties in the [European Union \(Scotland\) Order 2009 \(S.S.I. 2009/342\)](#), **art. 3** (with [art. 2](#))

224 Discharge from imprisonment to be specified.

All warrants of imprisonment in default of payment of a fine, or on failure to find caution, shall specify a period at the expiry of which the person sentenced shall be discharged, notwithstanding the fine has not been paid, or caution found.

Modifications etc. (not altering text)

- C1** S. 224 applied (1.4.1996) by [1995 c. 43, ss. 14\(2\)\(k\), 50\(2\)](#)
S. 224 applied (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\), ss. 118\(1\)\(2\)\(k\), 458; S.S.I. 2003/210, art. 2](#) (with transitional provisions in [arts. 3-7](#))

[^{F1}225 Penalties: standard scale, prescribed sum and uprating.

- (1) There shall be a standard scale of fines for offences triable only summarily, which shall be known as “the standard scale”.

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(2) The standard scale is shown below—

Level on the scale	Amount of Fine
1	£ 200
2	£ 500
3	£1,000
4	£2,500
5	£5,000

(3) Any reference in any enactment, whenever passed or made, to a specified level on the standard scale shall be construed as referring to the amount which corresponds to that level on the standard scale referred to in subsection (2) above.

(4) If it appears to the Secretary of State that there has been a change in the value of money since the relevant date, he may by order substitute for the sum or sums for the time being specified in the provisions mentioned in subsection (5) below such other sum or sums as appear to him justified by the change.

(5) The provisions referred to in subsection (4) above are—

- (a) subsection (2) above;
- (b) subsection (8) below;
- (c) section 219(2) of this Act;
- (d) column 5 or 6 of Schedule 4 to the ^{M1}Misuse of Drugs Act 1971 so far as the column in question relates to the offences under provisions of that Act specified in column 1 of that Schedule in respect of which the maximum fines were increased by Part II of Schedule 8 to the ^{M2}Criminal Justice and Public Order Act 1994.

(6) In subsection (4) above “the relevant date” means—

- (a) in relation to the first order made under that subsection, the date the last order was made under section 289D(1) of the ^{M3}Criminal Procedure (Scotland) Act 1975; and
- (b) in relation to each subsequent order, the date of the previous order.

(7) An order under subsection (4) above—

- (a) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament and may be revoked by a subsequent order thereunder; and
- (b) without prejudice to Schedule 14 to the ^{M4}Criminal Law Act 1977, shall not affect the punishment for an offence committed before that order comes into force.

(8) In this Act “the prescribed sum” means £5,000 or such sum as is for the time being substituted in this definition by an order in force under subsection (4) above.]

Marginal Citations

M1 1971 c.38.

M2 1994 c.33.

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M3 1975 c.21.

M4 1977 c.45.

226 Penalties: exceptionally high maximum fines.

- (1) The Secretary of State may by order amend an enactment specifying a sum to which this subsection applies so as to substitute for that sum such other sum as appears to him—
 - (a) to be justified by a change in the value of money appearing to him to have taken place since the last occasion on which the sum in question was fixed; or
 - (b) to be appropriate to take account of an order altering the standard scale which has been made or is proposed to be made.
- (2) Subsection (1) above applies to any sum which—
 - (a) is higher than level 5 on the standard scale; and
 - (b) is specified as the fine or the maximum fine which may be imposed on conviction of an offence which is triable only summarily.
- (3) The Secretary of State may by order amend an enactment specifying a sum to which this subsection applies so as to substitute for that sum such other sum as appears to him—
 - (a) to be justified by a change in the value of money appearing to him to have taken place since the last occasion on which the sum in question was fixed; or
 - (b) to be appropriate to take account of an order made or proposed to be made altering the statutory maximum.
- (4) Subsection (3) above applies to any sum which—
 - (a) is higher than the statutory maximum; and
 - (b) is specified as the maximum fine which may be imposed on summary conviction of an offence triable either on indictment or summarily.
- (5) An order under this section—
 - (a) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and
 - (b) shall not affect the punishment for an offence committed before that order comes into force.
- (6) In this section “enactment” includes an enactment contained in an Act or subordinate instrument passed or made after the commencement of this Act.]

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