



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XI

SENTENCING

[^{F1}Enforcement of fines etc.: fines enforcement officers

[^{F1}226G Reference of case to court

- (1) A FEO may refer an enforcement order to the relevant court where—
 - (a) the FEO believes that payment of a relevant penalty, or any remaining part of a relevant penalty, to which an enforcement order relates is unlikely to be obtained;
 - (b) for any other reason (including failure of the offender to co-operate with the FEO) the FEO considers it expedient to do so.
- (2) A FEO may make a reference under subsection (1) above at any time from the day after the enforcement order is made.
- (3) When making a reference under subsection (1) above, the FEO shall provide the court with a report on the circumstances of the case.
- (4) A report under subsection (3) above shall include, in particular—
 - (a) a copy of any report from a supervising officer received by the FEO under section 217(9) of this Act; and
 - (b) information about—
 - (i) the steps taken by the enforcement officer to obtain payment of or towards the relevant penalty; and
 - (ii) any effort (or lack of effort) made by the offender to make payment of or towards the penalty.
- (5) Where a reference is made under subsection (1) above, the relevant court shall enquire of the offender as to the reason why the relevant penalty (or an instalment of it) has not been paid.

Status: Point in time view as at 06/11/2019.

Changes to legislation: *Criminal Procedure (Scotland) Act 1995, Section 226G is up to date with all changes known to be in force on or before 23 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)*

- (6) Subsection (5) above does not apply where the offender is in prison.
- (7) Subsections (3) to (7) of section 216 of this Act apply in relation to subsection (5) above as they apply in relation to subsection (1) of that section.
- (8) After the court has considered—
- (a) the report provided by the FEO under subsection (3) above; and
 - (b) any information obtained by enquiry under subsection (5) above,
- the court may dispose of the case as mentioned in subsection (9) below.
- (9) That is, the court may—
- (a) revoke the enforcement order and deal with the offender as if the enforcement order had never been made;
 - (b) vary the enforcement order;
 - (c) confirm the enforcement order as previously made;
 - (d) direct the FEO to take specified steps to secure payment of or towards the relevant penalty in accordance with the enforcement order (including as varied under paragraph (b) above);
 - (e) make such other order as it thinks fit.]

Textual Amendments

- F1** Ss. 226A-226I and preceding cross-heading inserted (10.3.2008 for certain purposes and otherwise prosp.) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#), **ss. 55, 84**; S.I. 2008/42, **art. 3**, Sch.

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