



Criminal Justice Act 1988

1988 CHAPTER 33

PART V

JURISDICTION, IMPRISONMENT, FINES, ETC.

Maximum fines under subordinate legislation

56 Fines under secondary subordinate instruments: Scotland

- (1) In the Criminal Procedure (Scotland) Act 1975, after section 289GB (which was inserted by the Criminal Justice (Scotland) Act 1987) there shall be inserted the following section—

“289GC Fines under secondary subordinate instruments— Scotland

- (1) This section applies to any instrument (however framed or worded) which—
- (a) was made before 11th April 1983 (the date of commencement of Part IV of the Criminal Justice Act 1982);
 - (b) confers on any authority other than a harbour authority a power by subordinate instrument to make a person, as regards any summary offence (whether or not created by the latter instrument), liable on conviction to a maximum fine of a specified amount not exceeding £1,000,
- but does not affect so much of any such instrument as (in whatever words) confers a power by subordinate instrument to make a person liable on conviction to a fine for each period of a specified length during which a continuing offence is continued.
- (2) The maximum fine to which a subordinate instrument made by virtue of an instrument to which this section applies may provide that a person shall be liable on conviction of a summary offence is—
- (a) if the specified amount is less than £25, level 1 on the standard scale;
 - (b) if it is £25 or more but less than £50, level 2;

Status: This is the original version (as it was originally enacted).

- (c) if it is £50 or more but less than £200, level 3;
 - (d) if it is £200 or more but less than £400, level 4; and
 - (e) if it is £400 or more, level 5.
- (3) Subject to subsection (5) below, where an instrument to which this section applies confers a power by subordinate instrument to make a person, as regards a summary offence, liable on conviction to a fine in respect of a specified quantity or a specified number of things, that fine shall be treated for the purposes of this section as being the maximum fine to which a person may be made liable by virtue of the instrument.
- (4) Where an instrument to which this section applies confers a power to provide for different maximum fines in relation to different circumstances or persons of different descriptions, the amount specified as those maximum fines are to be treated separately for the purposes of this section.
- (5) Where an instrument to which this section applies confers a power by subordinate instrument to make a person, as regards a summary offence, liable on conviction to a fine in respect of a specified quantity or a specified number of things but also confers a power by subordinate instrument to make a person, as regards such an offence, liable on conviction to an alternative fine, this section shall have effect in relation—
- (a) to the alternative fine; and
 - (b) to any amount that the instrument specifies as the maximum fine for which a subordinate instrument made in the exercise of the power conferred by it may provide,
- as well as in relation to the fine mentioned in subsection (3) above.”
- (2) Section 289E of the Criminal Procedure (Scotland) Act 1975 (penalties for first and subsequent convictions of summary offences to be the same) shall have effect as if the references in it to an Act included references to an instrument and the reference in subsection (5) to the commencement of the section were a reference, in relation to an instrument conferring a power such as is mentioned in subsection (1), to the coming into force of this section.