
Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, Paragraph 8. (See end of Document for details)

SCHEDULES

SCHEDULE 1

SETTING AND ALTERATION OF CERTAIN PENALTIES

Fines under secondary subordinate instruments

- 8 (1) This paragraph 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 ^{M1}Criminal Justice Act 1982); and
 - (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 paragraph 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;
 - (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 sub-paragraph (5) below, where an instrument to which this paragraph 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 shall be treated for the purposes of this paragraph 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 paragraph 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 paragraph.
- (5) Where an instrument to which this paragraph 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 paragraph shall have effect in relation—
- (a) to the alternative fine; and

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- (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 sub-paragraph (3) above.

Marginal Citations

M1 1982 c. 48.

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