



Criminal Justice Act 1982

1982 CHAPTER 48

PART IV

PROVISIONS APPLICABLE TO SCOTLAND ONLY

54 Revision of penalties for summary offences and of certain other sums.

After section 289D of the ^{M1}Criminal Procedure (Scotland) Act 1975 there shall be inserted the following new sections—

“289E Penalties for first and subsequent convictions of summary offences to be the same.

- (1) Subject to subsections (2) to (4) and (6) below, this section applies where any Act—
 - (a) makes a person liable on conviction of an offence triable only summarily to a penalty or a maximum penalty; or
 - (b) 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 penalty or a maximum penaltywhich is different in the case of a second or subsequent conviction from the penalty or maximum penalty provided or for which provision may be made in the case of a first conviction.
- (2) Where the penalty or maximum penalty for an offence to which section 457A(1)(b) of this Act applies has not been altered by any enactment passed or made after 29th July 1977 (the date of the passing of the Criminal Law Act 1977), this section applies as if the amount referred to in subsection (5)(a) below were the greatest amount to which a person would have been liable on any conviction immediately before that date.
- (3) Where any Act—
 - (a) provides or confers a power to provide for a penalty or a maximum penalty which would, but for the operation of section 289C(5) of this

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Act, be different in the case of a second or subsequent conviction from the penalty or maximum penalty provided for or for which provision may be made in the case of a first conviction; and

- (b) otherwise fulfils the conditions of subsection (1) above;

this section applies to that penalty or maximum penalty as if the amount referred to in subsection (5)(a) below were the greatest amount to which a person would have been liable or could have been made liable on any conviction immediately before the commencement of the said section 289C.

- (4) This section does not apply to—
- (a) section 290 of this Act (imprisonment for certain offences);
 - (b) section 78 of the Criminal Justice (Scotland) Act 1980 (vandalism); or
 - (c) an enactment mentioned in Schedule 7D to this Act.
- (5) Where this section applies the maximum penalty to which a person is or may be made liable by or under the Act in the case of any conviction shall be either or both of—
- (a) a fine not exceeding the greatest amount;
 - (b) imprisonment for a term not exceeding the longest term (if any) to which an offender would have been liable or could have been made liable on any conviction (whether the first or a second or subsequent conviction) by or under the Act immediately before the commencement of this section.
- (6) This section does not affect the penalty which may be imposed in respect of an offence committed before it comes into force.

289F Increase of fines for certain summary offences.

- (1) Subject to subsections (2) to (7) and (9) 3 below, this section applies where any Act passed on or 4 before 29th July (the date of the passing of the ^{M2}Criminal Law Act 1977)—
- (a) makes a person liable on conviction of an offence triable only summarily to a fine or a maximum fine which is less than £1,000; or
 - (b) 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 which is less than £1,000, or a fine or a maximum fine which shall not exceed an amount of less than £1,000,
- and the fine or maximum fine which may be imposed or, as the case may be, for which the subordinate instrument may provide has not been altered by—
- (i) section 289A of this Act;
 - (ii) section 289C of this Act (except where section 289E(3) of this Act applies);
 - (iii) section 30(3) of the ^{M2}Criminal Law Act 1977;
 - (iv) an enactment passed or made after 29th July 1977 and before the commencement of this section.
- (2) In the case of an offence to which section 457A(1)(b) of this Act applies, paragraphs (i) to (iii) of subsection (1) above do not apply and the fine or the maximum fine referred to in subsection (8) below is the fine or the maximum

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fine for the offence immediately before 29th July 1977 as amended, where applicable, by section 289E of this Act.

- (3) This section also applies where any enactment—
- (a) is contained in a consolidation Act passed after 29th July 1977 and before the commencement of this section; and
 - (b) otherwise fulfils the conditions of subsection (1) above amended by subsection (2) above where it applies; and
 - (c) is a re-enactment (with or without modification) of an enactment passed on or before that date.
- (4) Subject to subsection (9) 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 section.
- (5) Where an Act to which this section applies provides or confers a power to provide different fines or maximum fines in relation to different circumstances or persons of different descriptions, such fines or maximum fines are to be treated separately for the purposes of this section.
- (6) This section also applies where the penalties or maximum penalties provided or for which provision may be made by or under any Act on first and on second or subsequent conviction of an offence have been made the same by operation of section 289E of this Act; and in that case the fine or the maximum fine referred to in subsection (8) below is the maximum fine to which a person is or may be made liable by virtue of that section.
- (7) This section does not apply in the case of—
- (a) 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;
 - (b) section 67(3) of the ^{M3}Transport Act 1962;
 - (c) sections 40(5) and 44(1) of the ^{M4}Road Traffic Act 1972;
 - (d) an enactment mentioned in Schedule 1 to the ^{M5}British Railways Act 1977 to the extent that the enactment was amended by section 13(1) of that Act;
 - (e) an enactment mentioned in Schedule 7D to this Act or in Schedule 2 to the Criminal Justice Act 1982.
- (8) Where this section applies, the fine or, as the case may be, the maximum fine to which a person is or may be made liable by or under the Act shall be increased to the amount shown in column 2 of the Table below opposite the band in column 1 within which the fine or the maximum fine referred to in subsection (1) above falls.

<i>Column1</i>	<i>Column2</i>
<i>Fine or maximum fine</i>	<i>Increased amount</i>
Under £25	£25

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Under £50 but not less than £25	£50
Under £200 but not less than £50	£200
Under £400 but not less than £200	£500
Under £1,000 but not less than £400	£1,000

- (9) Where an Act to which this section applies 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, subsection (8) above shall have effect to increase—
- (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 which it has effect to increase by virtue of subsection (4) above.
- (10) This section does not affect the penalty which may be imposed in respect of an offence committed before it comes into force.

289G The standard scale amendment of enactments.

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

Standard Scale

<i>Level</i>	<i>Amount</i>
1	£25
2	£50
3	£200
4	£500
5	£1,000.

- (3) Any reference in any enactment (whether passed or made before or after the passing of the Criminal Justice Act 1982) 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) Subject to subsection (8) below, where—
- (a) an enactment to which subsection (5) 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

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- (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 paragraph (b) above.
- (5) This subsection applies to an enactment in any Act (including this Act) passed before the commencement of this section.
 - (6) Subject to subsection (7) 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 section.
 - (7) 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 section 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 subsection (6) above.
 - (8) Subsection (4) above does not apply to—
 - (a) an enactment mentioned in Schedule 2 to the Companies Act 1980;
 - (b) the Companies Act 1981; or
 - (c) 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.
 - (9) Where an enactment to which subsection (5) above applies confers a power such as is mentioned in subsection (4)(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 subsection (4) above or of a lesser amount.

289H Schedule 7D.

- (1) The enactments specified in column 1 of Schedule 7D to this Act, which relate to the penalties or the maximum penalties for the offences mentioned in those enactments, shall be amended in accordance with the amendments specified in column 2 of that Schedule, which have the effect of altering the penalties on

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summary conviction of the said offences and placing the fines on a level on the standard scale; and in that Schedule column 3 shows the penalties or, as the case may be, maximum penalties in force immediately before the commencement of this section and column 4 shows the penalties or, as the case may be, maximum penalties resulting from the amendments.

(2) Subsection (1) above does not affect the penalty which may be imposed in respect of an offence committed before it comes into force.”.

Marginal Citations

- M1** 1975 c. 21.
- M2** 1977 c.45
- M3** 1962 c. 46
- M4** 1972 c. 20
- M5** 1977 c. xvii

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