

## SCHEDULES

### SCHEDULE 1

#### SETTING AND ALTERATION OF CERTAIN PENALTIES

##### *Statutory maximum as penalty in respect of summary conviction for offences in subordinate instruments*

- 7 (1) Where there is, under any enactment (however framed or worded) contained in an Act passed before the relevant date, a power by subordinate instrument to create a criminal offence triable either on indictment or summarily, the maximum fine which may, in the exercise of the power, be authorised on summary conviction shall, by virtue of this paragraph, be the statutory maximum (unless some larger maximum fine can be authorised on summary conviction of such an offence by virtue of an enactment other than this sub-paragraph).
- (2) Where there is, under any enactment (however framed or worded) contained in an Act passed before the relevant date, a power to create offences triable either on indictment or summarily by subordinate instrument, the maximum fine on summary conviction for such an offence may be expressed as a fine not exceeding the statutory maximum.
- (3) Sub-paragraphs (1) and (2) above shall have effect in relation to any exercise of such power before as well as after the relevant date.
- (4) Where an offence created by a subordinate instrument made before the relevant date may be tried either on indictment or summarily, the maximum fine which may be imposed on summary conviction shall by virtue of this sub-paragraph be the statutory maximum (unless the offence is one for which by virtue of the instrument a larger maximum fine may be imposed on summary conviction).
- (5) Where a person summarily convicted of any offence to which sub-paragraph (4) above relates would, apart from this paragraph, be liable to a fine or to a maximum fine of an amount in the case of a first conviction and of a different amount in the case of a second or subsequent conviction, sub-paragraph (4) above shall apply irrespective of whether the conviction is a first, second or subsequent one.
- (6) Sub-paragraph (4) above shall not affect so much of any instrument as (in whatever words) makes a person liable on summary conviction to a fine not exceeding a specified amount for each period of a specified length during which a continuing offence is continued after conviction or the occurrence of any other specified event.
- (7) Nothing in this paragraph shall affect the punishment for an offence committed before the relevant date.
- (8) In this paragraph “the relevant date” means 12th October 1988 (the date of commencement of section 66 of the Criminal Justice (Scotland) Act 1987).