

Status: Point in time view as at 02/08/2005.

Changes to legislation: Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 2 is up to date with all changes known to be in force on or before 03 June 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)

SCHEDULES

SCHEDULE 2

INCREASE IN CERTAIN PENALTIES

PART I

OFFENCES MADE TRIABLE ONLY SUMMARILY, AND RELATED AMENDMENTS

(1) Offences	(2) Enactment	(3) Amendment	(4) Penalties
NIGHT POACHING ACT 1828 (C. 69) Offences under section 1 (taking or destroying game or rabbits by night or entering land for that purpose).	Section 1.	For the words from “such offender” onwards substitute “ he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale ”.	Level 3 on the standard scale.
PUBLIC MEETING ACT 1908 (c. 66) Offences under section 1(1) (endeavour to break up a public meeting).	Section 1(1)	After “offence” add “ shall on summary conviction be liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale or to both ”.	6 months or level 5 on the standard scale or both.
F1	F1 ...	F1	F1 ...
BETTING, GAMING AND LOTTERIES ACT 1963 (C. 2) Offences under the following provisions - section 7 (restriction of betting on dog racecourses); section 10(5) (advertising licensed betting offices); section 11(6) (person	Section 52	For paragraphs (a) and (b) of subsection (2) (penalties for certain offences) substitute “ on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not	Level 5 on the standard scale or 6 months or both.

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<p>holding bookmaker’s or betting agency permit employing a person disqualified from holding such a permit); section 18(2) (making unauthorised charges to bookmakers on licensed track); section 19 (occupiers of licensed tracks not to have any interest in bookmaker thereon); section 21 (betting with young persons); section 22 (betting circulars not to be sent to young persons).</p> <p>THEATRES ACT 1968 (C. 54) Offences under section 6 (provocation of breach of the peace by means of public performance of play).</p>	<p>Section 6(2)</p>	<p>For paragraphs (a) and (b) substitute “ on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both ”.</p>	<p>exceeding six months or to both ”.</p> <p>6 months or level 5 on the standard scale or both.</p>
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Textual Amendments

F1 Words in [Sch. 2 Pt. I](#) repealed (26.3.2001) by [S.I. 2001/1149](#), art. 3(2), [Sch. 2](#) (with art. 4(11))

PART II

INCREASE OF FINES FOR CERTAIN SUMMARY OFFENCES

(1) Enactment creating offence	(2) Penalty enactment	(3) Old maximum fine	(4) New maximum fine
F2	F2	F2	F2
...
PROTECTION OF ANIMALS ACT 1934 (C. 21) Offences	Section 2.	£100	Level 4 on the standard scale.

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under section 1(1)
 (prohibition of certain
 public contests,
 performances and
 exhibitions with
 horses or bulls).

PUBLIC ORDER ACT 1936 (1Edw. 8 & 1 Geo. 6) (C. 6) Offences under section 1(1) (wearing uniform signifying association with political organisation).	Section 7(2).	£50	Level 4 on the standard scale.
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CHILDREN AND YOUNG PERSONS (SCOTLAND) ACT 1937 (C. 37) Offences under section 46(2) (publication of matters identifying juveniles in court proceedings).	Section 46(2).	£50	Level 4 on the standard scale.
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CINEMATOGRAPH FILMS (ANIMALS) ACT 1937 (C. 59) Offences under section 1(1) (prohibition of films in production of which suffering has been caused to animals).	Section 1(3).	£100	Level 4 on the standard scale.
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F3	F3	F3	F3
...
[F4 ...	F4 ...	F4 ...	F4 ...]
F5	F5	F5	F5

NATIONAL ASSISTANCE ACT 1948 (C. 29) Offences under section 55(2) (obstruction).	Section 55(2) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£10 for a first offence and £20 for a second or subsequent offence.	Level 4 on the standard scale.
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AGRICULTURE (SCOTLAND)	Section 50(2)	£20 for a first offence and £50 for a second	Level 3 on the standard scale.
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ACT 1948 (C. 45) Offences under section 50(1) (prohibition of night shooting and use of spring traps).		or subsequent offence.	
Offences under section 50A(1) (open trapping of hares and rabbits).	Section 50A(2).	£20 for a first offence and £50 for a second or subsequent offence.	Level 3 on the standard scale.
DOCKING AND NICKING OF HORSES ACT 1949 (C. 70) Offences under section 1(1) (prohibition of docking or nicking horses).	Section 1(3).	£25	Level 3 on the standard scale.
Offences under section 2(3) (offences in connection with importation of docked horses).	Section 2(3).	£25	Level 3 on the standard scale.
Offences under section 2(4) (making of false statement).	Section 2(4).	£25	Level 3 on the standard scale.
COCKFIGHTING ACT 1952 (C. 59) Offences under section 1(1) (possession of appliances for use in fighting of domestic fowl).	Section 1(1)	£25	Level 3 on the standard scale.
DOGS (PROTECTION OF LIVESTOCK) ACT 1953 (C. 28) Offences under section 1(1) (owning or keeping a dog which worries livestock).	Section 1(6) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£20 for a first offence and £50 for a second or subsequent offence in respect of the same dog.	Level 3 on the standard scale.
PESTS ACT 1954 (C. 68) Offences under section 12 (spreading of myxomatosis).	Section 12.	£20 for a first offence and £50 for a second or subsequent offence in respect of the same dog.	Level 3 on the standard scale.

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ANIMAL (CRUEL POISONS) ACT 1962 (C. 26) Offences under section 1 (offences in connection with use of prohibited poison for destroying animals).	Section 1.	£50	Level 3 on the standard scale.
POLICE (SCOTLAND) ACT 1967 (C. 77) Offences under section 41(1) (assaults on constable etc.), where the offender has not, within the period of two years immediately preceding the offence been convicted of an offence against the section.	Section 41(1).	£50	Level 4 on the standard scale.
SEA FISHERIES (SHELLFISH ACT) 1967 (C. 83) Offences under section 7(4) (using prohibited fishing implements etc. in an area of fishery or oyster bed to which section applies).	Section 7(4).	£2 for a first offence, £5 for a second offence and £10 for a third or subsequent offence.	Level 3 on the standard scale.
ABORTION ACT 1967 (C. 87) Offences under section 2(3) (contravening or failing to comply with regulations as to notification).	Section 2(3).	£100	Level 5 on the standard scale.
AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1968 (C. 34) Offences under the following provisions — section 1(1) (prevention of unnecessary pain and	Section 7(1).	£100 for a first offence and £200 for a second or subsequent offence.	Level 4 on the standard scale.

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distress to livestock);
section 2(2) (breach
of regulations with
respect to welfare of
livestock).

**SOCIAL WORK
(SCOTLAND)
ACT 1968 (C.
49)**

Offences
under section 6(5)
(obstructing officer
in exercise of power
under section 6).

Section 6(5).

£10 for a first offence
and £50 for a second
or subsequent
offence.

Level 4 on the
standard scale.

Offences under
section 60(3) (failure
to comply with
regulations etc. in
respect of the control
of residential and
other establishments).

Section 60(3).

£50

Level 4 on the
standard scale.

Offences under
section 61(3)
(carrying on
establishment without
registration).

Section 61(3).

£50 for a first offence
and £100 for a
second or subsequent
offence.

Level 4 on the
standard scale.

Offences under
section 62(6) (failure
to comply with a
condition of the
registration of an
establishment).

Section 62(6).

£50 for a first offence
and £100 for a
second or subsequent
offence.

Level 4 on the
standard scale.

Offences under
section 65(4)
(obstructing officer
in exercise of power
under section 65).

Section 65(4).

£10 for a first offence
and £50 for a second
or subsequent
offence.

Level 4 on the
standard scale.

**GAMING ACT
1968 (C. 65)**

Offences under
section 8(5) (gaming
in a street or public
place).

Section 8(5).

£50

Level 4 on the
standard scale.

**EMPLOYERS'
LIABILITY
(COMPULSORY
INSURANCE)
ACT 1969 (C.
57)**

Offences
under section 4(3)

Section 4(3).

£50

Level 3 on the
standard scale.

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(offences in relation to certificates of insurance).

Offences under section 5 (employer failing to insure employee).	Section 5.	£200	Level 4 on the standard scale.
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CONSERVATION OF SEALS ACT 1970 (C. 30) Any offence under the Act, except an offence under section 11(7).	Section 5(2).	£50 for a first offence and £100 for a second or subsequent offence.	Level 4 on the standard scale.
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MISUSE OF DRUGS ACT 1971 (C. 38) Offences under section 17(3) (failure to comply with notice requiring information relating to prescribing supply etc. of drugs).	Schedule 4.	£100	Level 3 on the standard scale.
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POISONS ACT 1972 (C. 66) Any offence under section 8(1) (contravention of provisions of sections 1 to 7, other than section 6(4), or of the Poisons rules).	Section 8(1).	£50	Level 4 on the standard scale.
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Offences under section 6(4) (using title etc. falsely to suggest entitlement to sell poison).	Section 6(4).	£20	Level 2 on the standard scale.
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Offences under section 9(8) (obstructing an inspector etc.).	Section 9(8).	£5	Level 2 on the standard scale.
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HEALTH AND SAFETY AT WORK ETC. ACT 1974 (C. 37)

Offences under the following provisions—

section 33(1)(d) (contravening requirement imposed by or under section 14	Section 33(2).	£400	Level 5 on the standard scale.
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or obstructing any person in exercise of his powers under section 14); section 33(1)(e) (contravening requirement imposed by inspector) where the requirement contravened was imposed under section 20; section 33(1)(f) (preventing etc, any other person from appearing before inspector); section 3(1)(h) (intentionally obstructing an inspector); section 33(1)(n) (falsely pretending to be an inspector).

SALMON AND FRESHWATER FISHERIES ACT 1975 (C. 51)

Offences against any provision of the Act not specified in the table in Part I of Schedule 4.

Paragraph 1(2) of Schedule 4.

£50 for a first offence and £100 for a second or subsequent offence.

Level 4 on the standard scale.

Offences under section 1 (fishing with certain instruments for salmon, trout or freshwater fish and possessing certain instruments for fishing for such fish) if not acting with another.

The Table in Part I of Schedule 4.

£50 for a first offence and £100 for a second or subsequent offence.

Level 4 on the standard scale.

Offences under section 19(2) (fishing for salmon during the annual close season or weekly close time).

The said Table.

£100 for a first offence and £200 for a second or subsequent offence.

Level 4 on the standard scale.

Offences under section 19(4) (fishing

The said Table.

£100 for a first offence and £200

Level 4 on the standard scale.

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for trout during the annual close season or weekly close time).		for a second or subsequent offence.	
Offences under section 19(6) (fishing for freshwater fish during the annual close season for freshwater fish and fishing for eels by means of a rod and line during that season).	The said Table.	£100 for a first offence and £200 for a second or subsequent offence.	Level 4 on the standard scale.
Offences under section 19(7) (fishing for rainbow trout during the annual close season for rainbow trout and fishing for eels by means of a rod and line during that season).	The said Table.	£100 for a first offence and £200 for a second or subsequent offence.	Level 4 on the standard scale.
Offences under section 21 (prohibition on use of certain devices at certain times).	The said Table.	£100 for a first offence and £200 for a second or subsequent offence.	Level 4 on the standard scale.
Offences under section 27 (fishing for fish otherwise than under the authority of a licence and possessing an unlicensed instrument with intent to use it for fishing) if not acting with another).	The said Table.	£50 for a first offence and £100 for a second or subsequent offence.	Level 4 on the standard scale.

Textual Amendments

- F2** Entry in Sch. 2 Pt. II repealed (1.8.1997) by 1997 c. 48, s. 62(1)(2), Sch. 1 para. 19(2), **Sch. 3**; S.I. 1997/1712, art. 3, **Sch.**
- F3** Entry in Sch. 2 Pt. II repealed (1.4.1997) by 1996 c. 53, s. 147, **Sch. 3 Pt. II**; S.I. 1996/2842, art. 4
- F4** Words in Sch. 2 Pt. II repealed (1.4.2002) by 2001 asp 8, s. 80(1)(2), **Sch. 4**; S.S.I. 2002/162, art. 2(g)(i)
- F5** Sch. 2 Pt. 2: entry relating to Fire Services Act 1947 repealed (2.8.2005) by Fire (Scotland) Act 2005 (asp 5), ss. 89(2), 90, sch. 4; S.S.I. 2005/392, art. 2(k)

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PART III

FINES TO BE ALTERED OTHER THAN IN ACCORDANCE WITH PARAGRAPHS 4 AND 5 OF SCHEDULE 1

(1) Enactment	(2) Amendment	(3) New penalty
MILITARY LANDS ACT 1892 (C. 43) Section 17(2) (offences against byelaws).	For “five pounds” substitute “ level 2 on the standard scale ”.	Level 2 on the standard scale.
PROTECTION OF ANIMALS (SCOTLAND) ACT 1912 (C. 14) Section 7 (selling poisoned grain or placing on any land matter rendered poisonous).	For “ten pounds” substitute “ level 4 on the standard scale ”.	Level 4 on the standard scale.
LAND DRAINAGE (SCOTLAND) ACT 1930 (C. 20) Section 4 (obstruction of person exercising power of entry).	For “twenty pounds” substitute “ level 3 on the standard scale ”.	Level 3 on the standard scale.
LAND DRAINAGE (SCOTLAND) ACT 1941 (C. 13) Section 2(2) (obstruction of person exercising power of entry).	For “twenty pounds” substitute “ level 3 on the standard scale ”.	Level 3 on the standard scale.
PUBLIC HEALTH (SCOTLAND) ACT 1945 (C. 15) Section 1(5) (contravention of regulations as to treatment and spread of certain diseases).	For “one hundred pounds” substitute “ level 5 on the standard scale ”.	Level 5 on the standard scale and £50 per day during which the offence continues.
F6	F6	F6
F6	F6	F6
RADIOACTIVE SUBSTANCES ACT 1948 (C. 37) Section 8(1) (obstruction of person exercising power of entry).	For the words from “twenty pounds” to the end substitute “ level 4 on the standard scale ”.	Level 4 on the standard scale.
Section 8(3) (other summary offences under Act).	For the words from “one hundred pounds” where first occurring to “one hundred pounds” where secondly occurring substitute “ level 4 on the standard scale ”.	Level 4 on the standard scale or 3 months or both.

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RIVERS (PREVENTION OF POLLUTION) (SCOTLAND) ACT 1951 (C. 66) Section 21 (obstruction of person exercising power of entry).	For the words from “five pounds” to the end substitute “ level 3 on the standard scale ”.	Level 3 on the standard scale.
LAND DRAINAGE (SCOTLAND) ACT 1958 (C. 24) Section 11(4) (obstruction of person exercising power of entry).	For the words from “five pounds” to the end substitute “ level 3 on the standard scale ”.	Level 3 on the standard scale.
BETTING, GAMING AND LOTTERIES ACT 1963 (C. 2) Section 28(10) (disclosing information about bookmaker’s business).	For “one hundred pounds” substitute “ level 4 on the standard scale ”.	Level 4 on the standard scale.
PLANT VARIETIES AND SEEDS ACT 1964 (C. 14) Section 25(9) (obstructing an authorised person).	For “twenty pounds” substitute “ level 3 on the standard scale ”.	Level 3 on the standard scale.
Section 27(1) (tampering with samples).	For “one hundred pounds” substitute “ level 5 on the standard scale ”.	Level 5 on the standard scale or 3 months or both.
AGRICULTURE AND HORTICULTURE ACT 1964 (C. 28) Section 20(1) (obstruction, etc. of authorised officer).	For “twenty pounds” substitute “ level 3 on the standard scale ”.	Level 3 on the standard scale.
Section 20(2) (offences under Part III).	For the words from “one hundred pounds” to “two hundred and fifty pounds” substitute “ level 5 on the standard scale ”.	Level 5 on the standard scale or 3 months or both.
INDUSTRIAL AND PROVIDENT SOCIETIES ACT 1965 (C. 12) Section 61 (general offences).	For “five pounds” substitute “ level 3 on the standard scale ”.	Level 3 on the standard scale.
RIVERS (PREVENTION OF POLLUTION) (SCOTLAND) ACT 1965 (C. 13) Section 11(2) (unauthorised disclosure of information).	For the words from “one hundred pounds” to the end substitute “ level 5 on the standard scale ”.	Level 5 on the standard scale.
FORESTRY ACT 1967 (C. 10) Section 24(4) (failure to comply with felling licence).	For “£50” substitute “ level 5 on the standard scale ”.	Level 5 on the standard scale.

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Section 46(5) (offences against byelaws).	In paragraph (a) for “£10” substitute “ level 2 on the standard scale ”, and in paragraph (b) for “£5” substitute “ level 2 on the standard scale ”.	Level 2 on the standard scale and 50 pence per day during which the offence continues.
Section 48(3) (obstruction of Forestry Commission officers).	For “£5” substitute “ level 3 on the standard scale ”.	Level 3 on the standard scale.
POLICE (SCOTLAND) ACT 1967 (C. 77) Section 43(1) (impersonating a police officer).	For “fifty pounds” substitute “ level 4 on the standard scale ”.	Level 4 on the standard scale or 3 months.
Section 44(5) (offences by constables).	For “ten pounds” substitute “ level 3 on the standard scale ”.	Level 3 on the standard scale or 60 days.
AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1968 (C. 34) Section 7(2) (obstructing officer authorised to carry out welfare inspections).	For “twenty pounds” substitute “ level 3 on the standard scale ”.	Level 3 on the standard scale.
SALE OF VENISON (SCOTLAND) ACT 1968 (C. 38) Section 1(4) (contravention of provisions regarding registration of venison dealers).	For “£20” substitute “ level 3 on the standard scale ”.	Level 3 on the standard scale.
Section 2(4) (failure to keep records, etc.)	For “£20” substitute “ level 2 on the standard scale ”.	Level 2 on the standard scale.
SEWERAGE (SCOTLAND) ACT 1968 (C. 47) Section 44 (failure to provide information, etc.).	For “£20” substitute “ level 3 on the standard scale ”.	Level 3 on the standard scale.
Section 48(9) (obstruction of person having right of entry).	For “£20” substitute “ level 3 on the standard scale ”.	Level 3 on the standard scale and £5 per day which the offence continues.
Section 50(3) (unauthorised disclosure of information)>.	For the words from “£100” to the end substitute “ level 5 on the standard scale ”.	Level 5 on the standard scale.
TRANSPORT ACT 1968 (C. 73) Section 97A(1) (tachograph offences).	For “£200” substitute “ level 4 on the standard scale ”.	Level 4 on the standard scale.
Section 97A(2) (failure by employer to secure	For “£200” substitute “ level 4 on the standard scale ”.	Level 4 on the standard scale.

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compliance with
section 97A(1)(a).

**ROAD TRAFFIC
(FOREIGN VEHICLES)
ACT 1972 (C. 27)** Section
3(1) (disobeying prohibition
on a goods vehicle).

For “£200” substitute “ level
5 on the standard scale ”.

Level 5 on the standard scale.

**EDUCATION
(SCOTLAND) ACT
1980 (C. 44)** Section 43(1)
(contravention of section 35,
41 or 42).

For the words from “in the
case” where first occurring
to “£50” where thirdly
occurring substitute “ to a
fine not exceeding level 3 on
the standard scale ”.

Level 3 on the standard scale
or 1 month or both.

Section 66(3) (obstruction of
inspectors).

For the words from “£20” to
“£50” substitute “ level 4 on
the standard scale ”.

Level 4 on the standard scale
or 3 months or both.

Section 98(2) (failure to
register independent school,
etc.).

For the words “£20” to “£50”
substitute “ level 4 on the
standard scale ”.

Level 4 on the standard scale
or 3 months or both.

Section 101(2) (using
disqualified premises).

For the words from “£20” to
“£50” substitute “ level 4 on
the standard scale ’ ”.

Level 4 on the standard scale
or 3 months or both.

Section 101(3) (disqualified
person acting as proprietor of
independent school, etc.).

For the words from “£20” to
“£50” substitute “ level 4 on
the standard scale ”.

Level 4 on the standard scale
or 3 months or both.

**WATER (SCOTLAND)
ACT 1980 (C. 45)** Section
38(7) (obstruction of person
exercising power of entry).

For “£25” substitute “ level 3
on the standard scale ”.

Level 3 on the standard scale.

Section 64(2) (failure to
provide information, etc.).

For “£25” substitute “ level 3
on the standard scale ”.

Level 3 on the standard scale.

Section 72(3) (penalty
which may be provided for
contravention of byelaws).

For “the sum of £400”
substitute “ level 4 on the
standard scale ”.

Level 4 on the standard scale
and £50 per day during which
the offence continues.

Section 93(7) (failure to
provide information, etc.).

For “£200” substitute “ level
4 on the standard scale ”.

Level 4 on the standard scale
and £20 per day during which
the offence continues.

Paragraph 10(3) of
Schedule 4 (offences relating
to construction of reservoirs).

For the words from “£50”
where first occurring to
“continued” substitute “ level
3 on the standard scale ”.

Level 3 on the standard scale.

Paragraph 28 of Schedule 4
(obstruction of person
exercising power of entry).

For the words “£25”
substitute “ level 3 on the
standard scale ”.

Level 3 on the standard scale.

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Textual Amendments

- F6** Sch. 2 Pt. 3: entries relating to Fire Services Act 1947 repealed (2.8.2005) by [Fire \(Scotland\) Act 2005](#) (asp 5), ss. 89(2), 90, sch. 4; S.S.I. 2005/392, **art. 2(k)**

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