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## 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
<b>NIGHT POACHING ACT 1828 (C. 69)</b> 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.
<b>PUBLIC MEETING ACT 1908 (c. 66)</b> 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 ...
<b>BETTING, GAMING AND LOTTERIES ACT 1963 (C. 2)</b> 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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<b>PUBLIC ORDER ACT 1936 (1Edw. 8 &amp; 1 Geo. 6) (C. 6)</b> Offences under section 1(1) (wearing uniform signifying association with political organisation).	Section 7(2).	£50	Level 4 on the standard scale.
<b>CHILDREN AND YOUNG PERSONS (SCOTLAND) ACT 1937 (C. 37)</b> Offences under section 46(2) (publication of matters identifying juveniles in court proceedings).	Section 46(2).	£50	Level 4 on the standard scale.
<b>CINEMATOGRAPH FILMS (ANIMALS) ACT 1937 (C. 59)</b> 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.
F4	F4	F4	F4
...	...	...	...
[ F5 ...	F5 ...	F5 ...	F5 ... ]
F6	F6	F6	F6
<b>NATIONAL ASSISTANCE ACT 1948 (C. 29)</b> 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.
<b>AGRICULTURE (SCOTLAND) ACT 1948 (C. 45)</b> Offences under section 50(1) (prohibition of night shooting and use of spring traps).	Section 50(2)	£20 for a first offence and £50 for a second or subsequent offence.	Level 3 on the standard scale.

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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.
<b>DOCKING AND NICKING OF HORSES ACT 1949 (C. 70)</b> 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.
F7	F7	F7	F7
.....			
<b>DOGS (PROTECTION OF LIVESTOCK) ACT 1953 (C. 28)</b> 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.
<b>PESTS ACT 1954 (C. 68)</b> 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.
<b>ANIMAL (CRUEL POISONS) ACT 1962 (C. 26)</b> Offences under section 1 (offences in connection with use of prohibited poison for destroying animals).	Section 1.	£50	Level 3 on the standard scale.
F8	F8	F8	F8
.....			

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<b>SEA FISHERIES (SHELLFISH ACT) 1967 (C. 83)</b> 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.
<b>ABORTION ACT 1967 (C. 87)</b> 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.
<b>AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1968 (C. 34)</b> Offences under the following provisions — section 1(1) (prevention of unnecessary pain and distress to livestock); section 2(2) (breach of regulations with respect to welfare of livestock).	Section 7(1).	£100 for a first offence and £200 for a second or subsequent offence.	Level 4 on the standard scale.
F9	F9	F9	F9
.....			
F9	F9	F9	F9
.....			
F9	F9	F9	F9
.....			
F9	F9	F9	F9
.....			
F9	F9	F9	F9
.....			
<b>GAMING ACT 1968 (C. 65)</b> Offences under section 8(5) (gaming in a street or public place).	Section 8(5).	£50	Level 4 on the standard scale.

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<b>EMPLOYERS' LIABILITY (COMPULSORY INSURANCE) ACT 1969 (C. 57)</b> Offences under section 4(3) (offences in relation to certificates of insurance).	Section 4(3).	£50	Level 3 on the standard scale.
Offences under section 5 (employer failing to insure employee).	Section 5.	£200	Level 4 on the standard scale.
<b>CONSERVATION OF SEALS ACT 1970 (C. 30)</b> 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.
<b>MISUSE OF DRUGS ACT 1971 (C. 38)</b> 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.
<b>POISONS ACT 1972 (C. 66)</b> 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.
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.
Offences under section 9(8) (obstructing an inspector etc.).	Section 9(8).	£5	Level 2 on the standard scale.
<b>HEALTH AND SAFETY AT WORK ETC. ACT 1974 (C. 37)</b>			

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Offences under the following provisions—

section 33(1)(d) (contravening requirement imposed by or under section 14 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).	Section 33(2).	£400	Level 5 on the standard scale.
<b>SALMON AND FRESHWATER FISHERIES ACT 1975 (C. 51)</b> 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.

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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 for trout 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(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.

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### 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** Sch. 2 Pt. 2: entry relating to Protection of Animals Act 1934 repealed (3.11.2006) by The Animal Health and Welfare (Scotland) Act 2006 (Consequential Provisions) Order 2006 (S.S.I. 2006/536), art. 2(3), **Sch. 3**
- F4** 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
- F5** 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)
- F6** 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)
- F7** Sch. 2 Pt. 2: entry relating to Cockfighting Act 1952 repealed (3.11.2006) by The Animal Health and Welfare (Scotland) Act 2006 (Consequential Provisions) Order 2006 (S.S.I. 2006/536), art. 2(3), **Sch. 3**
- F8** Sch. 2 Pt. 2: entry relating to s. 41(1) of the Police (Scotland) Act 1967 repealed (1.9.2006) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), ss. 101, 104, **sch. 6 para. 3**; S.S.I. 2006/432, art. 2(h)
- F9** Sch. 2 Pt. 2: entry relating to Social Work (Scotland) Act 1968 repealed (23.2.2006) by Joint Inspection of Childrens Services and Inspection of Social Work Services (Scotland) Act 2006 (asp 3), ss. 8(4)(g), 10(2)

## 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
<b>MILITARY LANDS ACT 1892 (C. 43)</b> Section 17(2) (offences against byelaws).	For “five pounds” substitute “ level 2 on the standard scale ”.	Level 2 on the standard scale.
<b>PROTECTION OF ANIMALS (SCOTLAND) ACT 1912 (C. 14)</b> 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.
<b>LAND DRAINAGE (SCOTLAND) ACT 1930 (C. 20)</b> 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.
<b>LAND DRAINAGE (SCOTLAND) ACT 1941 (C. 13)</b> 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.

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<b>PUBLIC HEALTH (SCOTLAND) ACT 1945 (C. 15)</b> 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.
F10	F10	F10
.....		
F10	F10	F10
.....		
<b>RADIOACTIVE SUBSTANCES ACT 1948 (C. 37)</b> 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.
<b>RIVERS (PREVENTION OF POLLUTION) (SCOTLAND) ACT 1951 (C. 66)</b> 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.
<b>LAND DRAINAGE (SCOTLAND) ACT 1958 (C. 24)</b> 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.
<b>BETTING, GAMING AND LOTTERIES ACT 1963 (C. 2)</b> 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.
<b>PLANT VARIETIES AND SEEDS ACT 1964 (C. 14)</b> 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.
<b>AGRICULTURE AND HORTICULTURE ACT 1964 (C. 28)</b> Section	For “twenty pounds” substitute “ level 3 on the standard scale ”.	Level 3 on the standard scale.

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20(1) (obstruction, etc. of authorised officer).		
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.
<b>INDUSTRIAL AND PROVIDENT SOCIETIES ACT 1965 (C. 12)</b> Section 61 (general offences).	For “five pounds” substitute “ level 3 on the standard scale ”.	Level 3 on the standard scale.
<b>RIVERS (PREVENTION OF POLLUTION) (SCOTLAND) ACT 1965 (C. 13)</b> 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.
F11	F11	F11
...	...	...
F11	F11	F11
...	...	...
F11	F11	F11
...	...	...
F12	F12	F12
...	...	...
F12	F12	F12
...	...	...
<b>AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1968 (C. 34)</b> 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.
<b>SALE OF VENISON (SCOTLAND) ACT 1968 (C. 38)</b> 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.
<b>SEWERAGE (SCOTLAND) ACT 1968 (C. 47)</b> Section 44 (failure to provide information, etc.).	For “£20” substitute “ level 3 on the standard scale ”.	Level 3 on the standard scale.

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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.
<b>TRANSPORT ACT 1968 (C. 73)</b> 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 compliance with section 97A(1)(a)).	For “£200” substitute “ level 4 on the standard scale ”.	Level 4 on the standard scale.
<b>ROAD TRAFFIC (FOREIGN VEHICLES) ACT 1972 (C. 27)</b> Section 3(1) (disobeying prohibition on a goods vehicle).	For “£200” substitute “ level 5 on the standard scale ”.	Level 5 on the standard scale.
<b>EDUCATION (SCOTLAND) ACT 1980 (C. 44)</b> 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.
<b>WATER (SCOTLAND) ACT 1980 (C. 45)</b> 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.

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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.

#### Textual Amendments

- F10** Words in Sch. 2 Pt. 3 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)**
- F11** Words in Sch. 2 Pt. 3 omitted (1.4.2019) by virtue of [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Amendments\) Regulations 2019 \(S.S.I. 2019/125\)](#), regs. 1(2), **8**
- F12** Words in Sch. 2 Pt. 3 repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 8 Pt. 1**; S.S.I. 2013/51, **art. 2** (with transitional provisions and savings in S.S.I. 2013/121)

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