



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XI

#### SENTENCING

##### *Compensation*

#### **252 Enforcement of compensation orders: application of provisions relating to fines.**

- (1) The provisions of this Act specified in subsection (2) below shall, subject to any necessary modifications and to the qualifications mentioned in that subsection, apply in relation to compensation orders as they apply in relation to fines; and section 91 of the <sup>M1</sup>Magistrates' Courts Act 1980 and article 96 of the <sup>M2</sup>Magistrates' Courts (Northern Ireland) Order 1981 shall be construed accordingly.
- (2) The provisions mentioned in subsection (1) above are—
  - section 211(3), (4) and (7) to (9) (enforcement of fines);
  - section 212 (fines in summary proceedings);
  - section 213 (power to remit fines), with the omission of the words "or (4)" in subsection (2) of that section;
  - section 214 (time for payment) with the omission of—
    - (a) the words from "unless" to "its decision" in subsection (4); and
    - (b) subsection (5);
  - section 215 (further time for payment);
  - section 216 (reasons for default);
  - section 217 (supervision pending payment of fine);
  - section 218 (supplementary provisions), except that subsection (1) of that section shall not apply in relation to compensation orders made in solemn proceedings; subject to subsection (3) below, section 219(1)(b), (2), (3), (5), (6) and (8) (maximum period of imprisonment for non-payment of fine);
  - section 220 (payment of fine in part by prisoner);
  - section 221 (recovery by civil diligence);

*Status: Point in time view as at 10/03/2008.*

**Changes to legislation:** *Criminal Procedure (Scotland) Act 1995, Section 252 is up to date with all changes known to be in force on or before 06 August 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)*

section 222 (transfer of fine orders);  
 section 223 (action of clerk of court on transfer of fine order); [F1 and]  
 section 224 (discharge from imprisonment to be specified) [F2; and.  
 section 248B (driving disqualification for fine defaulters) so far as it relates to  
 the power conferred by section 219(1)(b).]

- (3) In the application of the provisions of section 219 of this Act mentioned in subsection (2) above for the purposes of subsection (1) above—
- (a) a court may impose imprisonment in respect of a fine and decline to impose imprisonment in respect of a compensation order but not vice versa; and
  - (b) where a court imposes imprisonment both in respect of a fine and of a compensation order the amounts in respect of which imprisonment is imposed shall, for the purposes of subsection (2) of the said section 219, be aggregated.

#### Extent Information

**E1** S. 252 extends to UK for certain construction purposes, see. s. 252(1).

#### Textual Amendments

**F1** S. 252(2): by 1997 c. 48, ss. 15(2)(a), 62(2), **Sch. 3**; S.I. 1997/2323, art. 4, **Sch. 2** (subject to art. 7) it is provided (1.1.1998) that the word “and” in the third place where it occurs is repealed

**F2** Entry in s. 252(2) and preceding word “; and” inserted (1.1.1998) by 1997 c. 48, s. 15(2)(b); S.I. 1997/2323, art. 4, **Sch. 2** (subject to art. 7)

#### Marginal Citations

**M1** 1980 c.43.

**M2** 1981/1675 (N.I. 26.)

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