

1984 No. 526 (S. 61)
CRIMINAL LAW, SCOTLAND
**The Increase of Criminal Penalties etc.
(Scotland) Order 1984**

<i>Made</i>	- - - -	<i>5th April 1984</i>
<i>Laid before Parliament</i>		<i>10th April 1984</i>
<i>Coming into Operation</i>		<i>1st May 1984</i>

Whereas it appears to me that there has been a change in the value of money since 29th July 1977; and

Whereas the sums substituted by this order for the sums specified in the provisions mentioned in section 289D(1A) of the Criminal Procedure (Scotland) Act 1975(a) appear to me to be justified by that change:

Now, therefore, in exercise of the powers conferred upon me by section 289D(1) of that Act and of all other powers enabling me in that behalf, I hereby make the following order:—

1. This order may be cited as the Increase of Criminal Penalties etc. (Scotland) Order 1984 and shall come into operation on 1st May 1984.
2. In this order, “the Act” means the Criminal Procedure (Scotland) Act 1975.
3. In section 289B(6) of the Act(b) (the prescribed sum), for the reference to “£1,000”, there shall be substituted a reference to “£2,000”.
4. In section 289G(2) of the Act(c) (the standard scale), for the reference to “£25”, “£50”, “£200”, “£500” and “£1,000” there shall be substituted a reference to “£50”, “£100”, “£400”, “£1,000” and “£2,000” respectively.

(a) 1975 c. 21; section 289D was inserted by paragraph 5 of Schedule 11 to the Criminal Law Act 1977 (c. 45) and was amended by section 53 of the Criminal Justice Act 1982 (c. 48).

(b) Section 289B was inserted by paragraph 5 of Schedule 11 to the Criminal Law Act 1977 and was amended by section 55(2) of the Criminal Justice Act 1982.

(c) Section 289G was inserted by section 54 of the Criminal Justice Act 1982.

5. In section 407(1A) of the Act(a) (period of imprisonment for non payment of fines), for the references to “£25”, “£50”, “£200”, “£500”, “£1,000”, “£2,500” and “£5,000” in both places where each reference occurs, there shall be substituted references to “£50”, “£100”, “£400”, “£1,000”, “£2,000”, “£5,000” and “£10,000” respectively.

6. In section 435(e) of the Act(b) (expenses), for the reference to “£200”, there shall be substituted a reference to “£400” and for the reference to “£50”, in both places where it occurs, there shall be substituted a reference to “£100”.

7. In section 453(3) of the Act(c) (consent by prosecutor to set aside the conviction), for the reference to “£20”, there shall be substituted a reference to “£40”.

8. In section 7(4) of the Cinematograph (Amendment) Act 1982(d) (penalties), for the reference to “£10,000” there shall be substituted a reference to “£20,000”.

9. In paragraph 19(3) of Schedule 2 to the Civic Government (Scotland) Act 1982(e) (enforcement), for the reference to “£10,000” there shall be substituted a reference to “£20,000”.

New St. Andrew's House,
Edinburgh.
5th April 1984.

George Younger,
One of Her Majesty's
Principal Secretaries of State.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order is the first order made under section 289D(1) of the Criminal Procedure (Scotland) Act 1975 (“the 1975 Act”) which empowers the Secretary of State, if it appears to him that there has been a change in the value of money since 29th July 1977, to substitute for the sum or sums specified in the provisions mentioned in subsection (1A) of that section such other sum or sums as appear to him justified by the change.

(a) Section 407(1A) was inserted by paragraph 3 of Schedule 6 to the Criminal Justice (Scotland) Act 1980 (c. 62).

(b) Section 435(e) was amended by section 46(1)(e) of the Criminal Justice (Scotland) Act 1980.

(c) Section 453(3) was amended by section 46(1)(f) of the Criminal Justice (Scotland) Act 1980.

(d) 1982 c. 33.

(e) 1982 c. 45.

The effect of the order is to double the amount of the sums so specified. In particular, this means—

- (a) that the “prescribed sum” or maximum fine on summary conviction of offences triable either summarily or on indictment is increased from £1,000 to £2,000 (article 3). This also has the effect of increasing the maximum fine which may be imposed by the sheriff on summary conviction of a common law offence, which is set at the “prescribed sum” by section 289(a) of the 1975 Act;
- (b) that the five levels on the standard scale of fines for offences triable only summarily are increased from £25, £50, £200, £500 and £1,000 to £50, £100, £400, £1,000 and £2,000 respectively (article 4). The increase in the levels of the standard scale also affects sums which are fixed by reference to those levels. For example, it affects the jurisdiction of the district court in dealing with statutory offences, which was fixed, among other things by reference to level 4 on the standard scale by section 7(1) of the Criminal Justice (Scotland) Act 1980, as amended by paragraph 13 of Schedule 7 to the Criminal Justice Act 1982. It also increases the maximum fine which the district court may impose for a common law crime from £500 to £1,000 because this was fixed at level 4 on the standard scale by section 284(b) of the 1975 Act, as amended by Schedule 7 to the said Act of 1982. Similar changes are made in the power of the district courts to order compensation or to order the finding of caution;
- (c) that the amounts by reference to which a maximum period of imprisonment may be imposed by a court of summary jurisdiction for non payment of fines or failure to find caution are increased from £25, £50, £200, £500, £1,000, £2,500 and £5,000 to £50, £100, £400, £1,000, £2,000, £5,000 and £10,000 respectively (article 5);
- (d) that the maximum amount of expenses which may be awarded against the accused in a summary prosecution where the fine or fines does not exceed £200 is increased from £50 to £100 and the amount of the fine or fines is increased from £200 to £400 (article 6);
- (e) that the maximum amount of expenses which may be awarded to an appellant in summary procedure, where the prosecutor consents to the conviction being set aside, is increased from £20 to £40 (article 7);
- (f) that the maximum fine which may be imposed for failure to have a cinematograph licence is increased from £10,000 to £20,000 (article 8); and
- (g) that the maximum fine on summary conviction for certain offences relating to sex shops is increased from £10,000 to £20,000 (article 9).

By virtue of section 289(4)(b) of the 1975 Act, this order does not affect the punishment for an offence committed before the order comes into force.

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