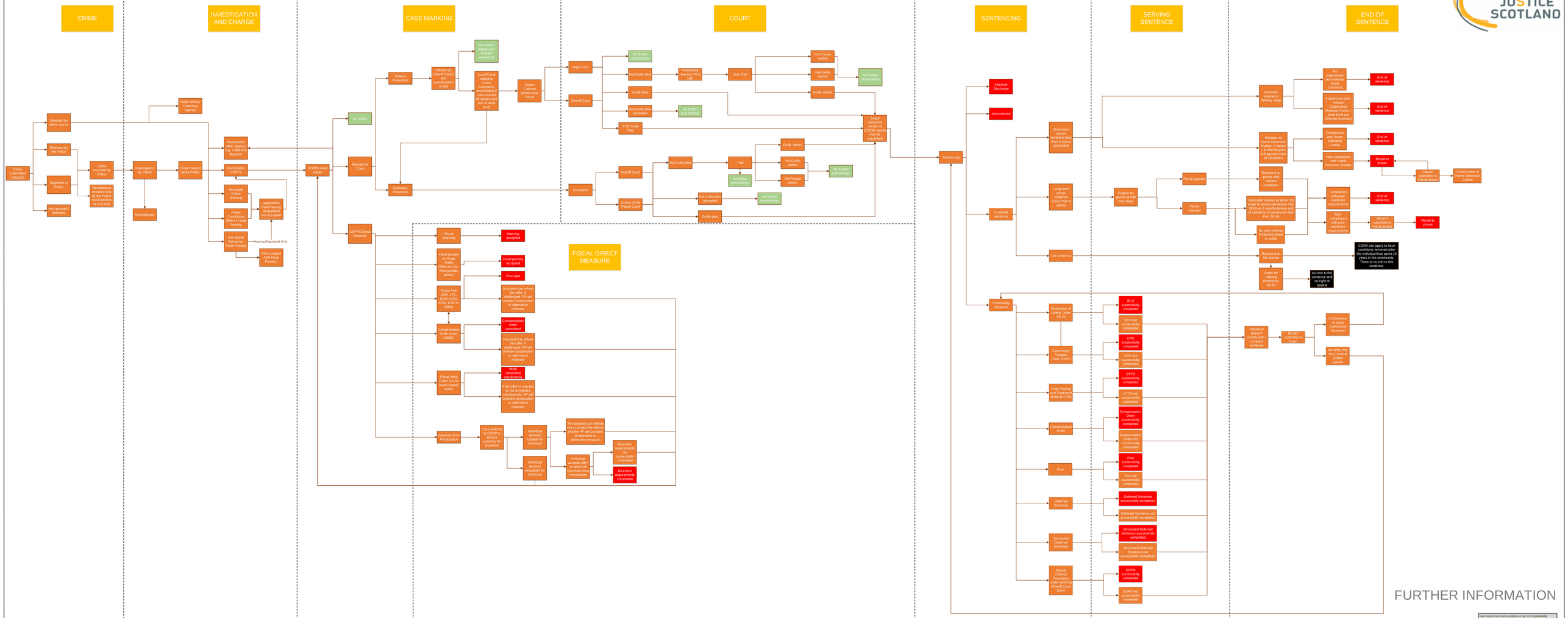
SCOTTISH JUSTICE PROCESS

COMMUNITY JUSTICE SCOTLAND



FURTHER INFORMATION

High Court :
Max. custodial sentence: No maximum
Max. community sentence: Up to 3 years
Max. fine: No maximum

Sheriff Court: Solemn Procedure
Max. custodial sentence: Up to 5 years
Max. community sentence: Up to 3 years
Max. fine: No maximum

Sheriff Court: Summary Procedure
Max. custodial sentence: Up to 12 months
Max. community sentence: No maximum
Max. fine: Up to £10,000

Justice of the Peace Court
Max. custodial sentence: Up to 60 days
Max. community sentence: Some community sentences only
Max. fine: Up to £2,500

Fixed penalty and compensation orders are not criminal convictions. However, they are recorded and can be disclosed to the court for a period of two years.

Where a fixed penalty offer or compensation offer has not been rejected, the PF, if asked, may disclose this to any person whom s/he considers to have a legitimate interest in knowing the outcome of the case, for example, the victim or the media.

Fixed penalties are also offered as an alternative to prosecution for certain road traffic offences. Where the accused does not accept the road traffic fixed penalty offers and compensation offers, road traffic fixed penalties are only registered when they are actively accepted by the accused. If the road traffic fixed penalty offer is made, no prosecution is brought. If it is an endorsable/referral penalty points are also endorsed on the accused's driving licence. Where the accused does not actively accept the fixed penalty, the Procurator Fiscal can bring the case to court as a normal prosecution.

More requirements are available as part of a **Community Payback Order**:

- Unpaid work;
- Supervision;
- Compensation;
- Programmes;
- Residence;
- Conduct;
- Mental health treatment;
- Drug treatment;
- Alcohol treatment.

People will be required to **disclose** their previous convictions on some occasions (i.e. when applying for certain jobs) following a period of time after the sentence. The length of time people requires to be disclosed is called the 'rehabilitation period' and depends on how long the sentence was that the person received or what sort of sentence it was. After this, the conviction is "spent" and does not need to be disclosed.

If a person was over 18 when found guilty in court:
Prison sentence, 6 months or less: rehabilitation period = 2 years
Prison sentence, 30 months – 4 years: rehabilitation period = 4 years
Prison sentence, 30 months – 4 years: rehabilitation period = 7 years
Prison sentence, more than 4 years: conviction is never spent
Community order: rehabilitation period = 1 year
Fine: rehabilitation period = 1 year
Absolute discharge: rehabilitation period = None

If a person was under 18 when found guilty in court:
Prison sentence, 6 months or less: rehabilitation period = 18 months
Prison sentence, 6 months – 30 months: rehabilitation period = 3 years
Prison sentence, 30 months – 4 years: rehabilitation period = 5 years
Prison sentence, more than 4 years: conviction is never spent
Community order: rehabilitation period = 18 months
Fine: rehabilitation period = 1 year
Absolute discharge: rehabilitation period = None.

KEY

- Step in the justice process
- Exit point from justice process, pre-sentence / measure
- Exit point from justice process, post-sentence / measure
- General stage of justice process
- Further information
- Sentence does not end