STATUTORY INSTRUMENTS

1962 No. 1198 (S. 48)

CRIMINAL PROCEDURE, SCOTLAND

The Fixed Penalty (Procedure) (Scotland) Regulations 1962

Made - - - -	*5th June* 1962
Laid before Parliament	*14th June* 1962
Coming into Operation	*15th June* 1962

In pursuance of the powers conferred upon me by subsection (11) of section 1 of the Road Traffic and Roads Improvement Act 1960(a), I hereby make the following Regulations:—

1. These Regulations may be cited as the Fixed Penalty (Procedure) (Scotland) Regulations 1962, and shall come into operation on 15th June 1962.

2. The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3.—(1) A notice under subsection (2) of section 1 of the Road Traffic and Roads Improvement Act 1960, offering the opportunity of discharging any liability to conviction of an offence to which that section applies by payment of a fixed penalty (hereafter in these Regulations referred to as "a notice") shall be in the form in the Schedule to these Regulations or in a form to the like effect.

(2) A notice in specifying an alleged offence shall contain a reference to the section of the Act, or as the case may be, the rule, order, regulation, byelaw or other instrument creating the offence.

4. A copy of any notice given or affixed under the said section 1 shall, as soon as practicable, be forwarded by or on behalf of the constable or traffic warden giving or affixing the notice to the clerk of the court to whom the fixed penalty is payable.

5. Payment of a fixed penalty shall be made to the clerk of court specified in the notice, who shall be the clerk of court in which proceedings for the alleged offence would be taken.

6.—(1) The person paying a fixed penalty shall either forward with the remittance Part 2 of the relevant notice or identify the notice by specifying its serial number.

(2) If, owing to the failure of the person paying a fixed penalty to comply with the provisions of paragraph (1) of this Regulation, the clerk of court is unable to identify the relevant notice, he shall, as soon as practicable, return the remittance to that person.

7. If less than the full amount of a fixed penalty is tendered to a clerk of court in payment of the fixed penalty, he shall, as soon as practicable, return to the sender the amount tendered.

(a) 8 & 9 Eliz. 2. c. 63. (b) 52 & 53 Vict. c. 63.

8.—(1) Where criminal proceedings in respect of the act or omission constituting the offence specified in a notice are taken, notification thereof shall, as soon as possible, be given by the prosecutor to the clerk of court specified in the notice.

(2) The clerk of court shall not, after receiving the said notification, accept payment of the fixed penalty to which the notice relates.

9. Subject to the foregoing provisions of these Regulations a clerk of court shall, as soon as practicable after payment of a fixed penalty has been made to him,—

(*a*) send to the payer a receipt for the payment, and

(*b*) inform the chief constable for the police area in which the alleged offence was committed of the payment.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
5th June 1962.

Regulation 1

SCHEDULE

Serial No. (of notice).....

NOTE: *It is an offence for anybody, other than the person liable for the undermentioned offence or the driver or the person in charge of the vehicle or any person authorised by any such person, to remove or interfere with this notice.*

SECTION 1: ROAD TRAFFIC AND ROADS IMPROVEMENT ACT, 1960

NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

Motor vehicle, index No.....was seen in (insert name of road) .....
[from ..... to .....] [at .....]
on the ..... day of ..... 196 , in
circumstances giving me reasonable cause to believe that an offence, particulars of which are given* [at ( )]
below, was being or had been committed.

(here insert the offence alleged and short particulars thereof as in the following examples:—

*[(1)] The vehicle was waiting in a restricted street (Regulation 3 of the Parking Places (Edinburgh) (No. 1) Order 1962, and section 5, Road Traffic and Road Improvements Act 1960).

*[(2)] The vehicle was left in a parking place without the initial charge having been paid (Sec. 88, Road Traffic Act 1960).

*[(3)] The vehicle was left in a parking place for more than two hours after the excess charge was incurred (Article 10 of the Parking Places (Edinburgh) (No. 1) Order 1962, and Sec. 88, Road Traffic Act 1960).

Police Constable/Traffic Warden Signature.....
Number.....

* The use of box numbers to indicate the different offences is optional.

If before the end of days from the above date, the sum of £ (being the fixed penalty for the offence) is paid to (insert name and address of clerk of court), the police will not report with a view to institution of proceedings in respect of the offence, and any liability to conviction of the offence will be discharged. Cash should be sent by registered post; cheques, postal orders or money orders should be made payable to

A receipt for the payment will be given. Part payment will not be accepted by the clerk.

The person paying the fixed penalty must forward with the remittance Part 2 of this notice or identify this notice by quoting its serial number.

If the fixed penalty is not paid, the offender is liable to be prosecuted.

PART 2

Serial No. (of notice).....

To (*insert name and address of clerk of court*)

I enclose the sum of £ as payment of the fixed penalty for the offence mentioned in Part 1 of this notice.

Name (in block capitals) .....

Address (in block capitals) .....

EXPLANATORY NOTE

(*This Note is not part of the Regulations, but is intended to indicate their general purport.*)

These Regulations prescribe the form of notice which is to be given to a person or affixed to a vehicle under section 1 of the Road Traffic and Roads Improvement Act 1960. The notice offers the opportunity of discharging, by payment of a fixed penalty, any liability to conviction of the offence specified therein. The Regulations also prescribe the procedure to be followed with respect to the payment.