1970 No. 1076 (S. 83)

CRIMINAL PROCEDURE, SCOTLAND

The Fixed Penalty (Procedure) (Scotland) Regulations 1970

Made - - -	16*th July* 1970
Laid before Parliament	30*th July* 1970
Coming into Operation	1*st September* 1970

In exercise of the powers conferred on me by section 80(11) of the Road Traffic Regulation Act 1967(a), I hereby make the following regulations:—

1.—(1) These regulations may be cited as the Fixed Penalty (Procedure) (Scotland) Regulations 1970 and shall come into operation on 1st September 1970.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament, and as if these regulations and the regulations hereby revoked were both Acts of Parliament.

(3) The Fixed Penalty (Procedure) (Scotland) Regulations 1962(c) are hereby revoked.

2. A notice under section 80(2) of the Road Traffic Regulation Act 1967, 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.

3. A copy of any notice given or affixed under the said section 80 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 unless the clerk of the court has notified the chief constable that he does not wish to receive a copy of any such notice.

4. 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.

5.—(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.

(a) 1967 c. 76. (b) 1889 c. 63. (c) S.I. 1962/1198 (1962 II, p. 1319).

(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.

6.—(1) When any payment is made in accordance with regulation 4 of these regulations, it shall be of the amount specified in the fixed penalty notice or of the total of the amounts specified in a series of such notices.

(2) Any such amount or amounts as aforesaid shall be paid to the clerk of court named in the relevant notice or notices.

(3) Where any amount is paid otherwise than in accordance with the foregoing paragraphs of this regulation, the clerk of court may return it to the payer.

7.—(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 practicable, 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.

8. 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.

Gordon Campbell,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

16th July 1970

Regulation 2

SCHEDULE

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

*NOTE: *It is an offence for anybody, other than the person liable for the under-mentioned 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.*

*Delete if notice not affixed to a vehicle.

SECTION 80: ROAD TRAFFIC REGULATION ACT 1967

NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

Part I

Motor vehicle, registration mark.....was seen in (*insert name of road*) .....
[from..... to.....] [at.....]
on the .....day of.....19 , in
circumstances giving me reasonable cause to believe that an offence, described at [( )] below, was being or had been committed.
(*here insert the offence alleged and short particulars thereof as in the following examples*:—)

[1] [(1)] The vehicle was waiting in a restricted street (Section 1(8) of the Road Traffic Regulation Act 1967).

[1] [(2)] The vehicle was left in a parking place without the initial charge having been paid (Section 42(1) of the Road Traffic Regulation Act 1967).

[1] [(3)] The vehicle was left in a street parking place for more than two hours after the excess charge was incurred (Section 42(1) of the Road Traffic Regulation Act 1967).

[1] The use of box number to indicate the different offences is optional.

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

Correspondence concerning the issue of this Notice should be sent to the Chief Constable (*insert address*).

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 only be registered post: cheques, postal orders or money orders should be made payable to

A receipt for the payment will be given. Payments must be of the exact amount shown on the notice or the exact total of the various amounts, if payment is made in respect of more than one notice. Payment must be made to the clerk of court whose name appears on the notice relating to that payment. A clerk of court will not accept amounts which are, or include, amounts required to be paid to another clerk of court.

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.)

These Regulations prescribe the procedure to be followed in the enforcement of fixed penalties for certain road traffic offences under section 80 of the Road Traffic Regulation Act 1967. They consolidate with minor amendments the Fixed Penalty (Procedure) (Scotland) Regulations 1962 which are revoked.

SI 1970/1076
ISBN 0-11-001076-0

