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**Changes to legislation:** There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Section 8. (See end of Document for details)

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## SCHEDULE 1 FIXED PENALTIES

### *Withdrawal of fixed penalty notice*

- 8 (1) A recipient of a notice may make representations to the council as to why the notice ought not to have been given.
- (2) If, having considered any representations made under sub-paragraph (1), the council considers that a fixed penalty notice ought not to have been given, it may give to the person a notice withdrawing the fixed penalty notice.
- (3) Where a notice under sub-paragraph (2) is given—
- (a) the council must repay any amount which has been paid in pursuance of the fixed penalty notice, and
  - (b) no proceedings are to be commenced against the person for the offence.

#### **Annotations:**

#### **Commencement Information**

- II** [Sch. 1 para. 8](#)  
in force at 1.4.2011 by  
[S.S.I. 2010/345](#)
- ,  
[art. 2](#)
- ,  
[Sch.](#)

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