
Changes to legislation: There are currently no known outstanding effects for the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016, Cross Heading: Request for hearing. (See end of Document for details)

SCHEDULE FIXED PENALTY FOR OFFENCE UNDER SECTION 1

Request for hearing

- 6 (1) A person to whom a fixed penalty notice has been given may, before the expiry of the period for payment of the penalty, give notice requesting a hearing in respect of the offence under section 1.
- (2) A notice requesting a hearing under sub-paragraph (1) must be in writing and must be sent by post or delivered to the person specified under paragraph 3(2)(b) in the fixed penalty notice at the address so specified.
- (3) For the purposes of this paragraph and unless the contrary is proved, the sending of a notice by post is deemed to have been effected at the time at which the notice would be delivered in the ordinary course of post.
- (4) Where a person has requested a hearing in accordance with this paragraph—
- (a) the local authority must hold the hearing,
 - (b) the person authorised for the purpose by the local authority of the area in which the offence was committed must notify the procurator fiscal of the request, and
 - (c) the period for payment of the fixed penalty must be calculated so that the period beginning with the giving of the notice under this paragraph and ending with the receipt by the person who gave that notice of the decision reached at the hearing is left out of account.

Commencement Information

II Sch. para. 6 in force at 5.12.2016 by S.S.I. 2016/259, reg. 2

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