
Changes to legislation: There are currently no known outstanding effects for the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016, Paragraph 10. (See end of Document for details)

SCHEDULE
FIXED PENALTY FOR OFFENCE UNDER SECTION 1

Judicial determination of enforcement of fixed penalty

- 10 (1) A person against whom a fixed penalty bears to be enforceable under paragraph 9 may apply to the sheriff for a declaration that the fixed penalty is not enforceable on the ground that—
- (a) the fixed penalty was paid before the expiry of the period for paying, or
 - (b) the person has made a request for a hearing in accordance with paragraph 6 and no hearing has been held within a reasonable time after the request.
- (2) On an application under sub-paragraph (1), the sheriff may declare—
- (a) that the person has or, as the case may be, has not paid the fixed penalty within the period for payment of the penalty,
 - (b) that the person has or, as the case may be, has not requested a hearing in accordance with paragraph 6,
 - (c) that, where such a request has been made, a hearing has or, as the case may be, has not been held within a reasonable time after the request, and accordingly, that the fixed penalty is or, as the case may be, is not enforceable.

Commencement Information

11 Sch. para. 10 in force at 5.12.2016 by S.S.I. 2016/259, reg. 2

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