
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 37 of, and schedules 6 and 7 to, the Transport (Scotland) Act 2005 insert section 130A and Schedules 8A and 8B into the Roads (Scotland) Act 1984 (“the 1984 Act”). These provide for certain offences under the 1984 Act to become fixed penalty offences and enable regulations to be made in relation to them.

These Regulations make general provision in relation to fixed penalties for certain offences under the 1984 Act.

Regulation 2 defines terms used in these Regulations.

Regulation 3 and Schedule 1 prescribe the form of a fixed penalty notice and the methods by which fixed penalties may be paid.

Regulation 4 sets out the manner of service of a fixed penalty notice and a notice withdrawing a fixed penalty notice and includes provision for service by electronic communication.

Regulation 5 specifies that a fixed penalty notice may not be given more than 60 days after the commission of the offence beginning with the day of its commission.

Regulation 6 and Schedule 2 set out details of the fixed penalty offences and prescribe that in relation to each offence the penalty shall be £120 unless the sum of £80 is paid before the end of the period for payment of the discounted amount.

Regulation 7 modifies Schedule 8B to the 1984 Act by substituting the period of 36 days for the period of 29 days, being the period for payment of a fixed penalty, and by substituting the period of 29 days for the period of 15 days, being the period for payment of a discounted amount instead of the full penalty.

Regulation 8 and Schedule 3 prescribe the form of a notice withdrawing a fixed penalty notice.

Regulation 9 enables a roads authority to retain the reasonable costs of issuing and administering fixed penalty notices from the fixed penalties received.

A regulatory impact assessment has been prepared in respect of these Regulations. A copy can be obtained from the Scottish Government Transport Directorate, Victoria Quay, Edinburgh, EH6 6QQ.