

1990 No. 466 (S.51)

CRIMINAL LAW, SCOTLAND

The Fixed Penalty Offences (Scotland) Order 1990

<i>Made</i>	- - - -	<i>4th March 1990</i>
<i>Laid before Parliament</i>		<i>9th March 1990</i>
<i>Coming into force</i>		<i>1st April 1990</i>

The Secretary of State, in exercise of the powers conferred on him by sections 51(3) and 75(8) of the Road Traffic Offenders Act 1988(a), and of all other powers enabling him in that behalf and after consultation with such representative organisations as he thinks fit in accordance with section 88(2) of that Act, hereby makes the following Order:

1.—(1) This Order may be cited as the Fixed Penalty Offences (Scotland) Order 1990 and shall come into force on 1st April 1990.

(2) This Order extends to Scotland only.

(3) In this Order, “the Act” means the Road Traffic Offenders Act 1988.

2.—(1) The offences in paragraph (2) of this article shall be fixed penalty offences for the purposes of Part III of the Act.

(2) The offences referred to in paragraph (1) above are—

- (a) failing to accord precedence to a foot passenger on a “Zebra” crossing in contravention of regulation 8 of the “Zebra” Pedestrian Crossings Regulations 1971(b);
- (b) causing a vehicle to proceed across a “Pelican” crossing in contravention of regulation 16 of the “Pelican” Pedestrian Crossings Regulations and General Directions 1987(c); and
- (c) failing to accord precedence to a pedestrian on a “Pelican” crossing in contravention of regulation 17 of the said Regulations and General Directions of 1987.

3. In consequence of the provisions of article 2 of this Order, the entry in Schedule 3 to the Act relating to section 25(5) of the Road Traffic Regulation Act 1984(d) shall be modified by the addition, after the word “vehicle”, of the words “other than a contravention of regulation 8 of the “Zebra” Pedestrian Crossings Regulations 1971 or of regulation 16 or 17 of the “Pelican” Pedestrian Crossings Regulations and General Directions 1987”.

St. Andrew’s House, Edinburgh
4th March 1990

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

(a) 1988 c.53.
(b) S.I. 1971/1524.
(c) S.I. 1987/16.
(d) 1984 c.27.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 75 of the Road Traffic Offenders Act 1988, which applies only in Scotland, authorises the procurator fiscal to offer an alleged offender an opportunity to avoid prosecution and conviction for certain road traffic offences by paying a fixed penalty. The offences to which this procedure can be applied are listed in Schedules 3 and 5 of that Act.

This Order provides for certain offences relating to pedestrian crossing regulations to be added to Schedule 3 and thus become fixed penalty offences for the purposes of Part III of the Act. The pedestrian crossing offences concerned are those under regulation 8 of the "Zebra" Pedestrian Crossings Regulations 1971 and regulations 16 and 17 of the "Pelican" Pedestrian Crossings Regulations and General Directions 1987, read with section 25(5) of the Road Traffic Regulation Act 1984.

Certain provisions of Part III of the Act also enable police constables to issue fixed penalty notices in relation to the road traffic offences listed in Schedule 3 (but these provisions in so far as they relate to moving vehicles are not in force in Scotland.)

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