

2004 No. 956 (S. 1)

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

LOCAL GOVERNMENT, SCOTLAND

The Local Government in Scotland Act 2003 (Destination of
Fixed Penalties in Scotland) Order 2004

Made

25th March 2004

Coming into force

26th March 2004

Whereas a draft of this Order has been laid before and approved by a resolution of each House of Parliament in accordance with section 115 of, and paragraphs 1, 2 and 3 of Schedule 7 to, the Scotland Act 1998^(a);

Now, therefore, the Secretary of State in exercise of the powers conferred upon him by sections 104, 112(1) and 113 of that Act and of all other powers enabling him in that behalf hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Local Government in Scotland Act 2003 (Destination of Fixed Penalties in Scotland) Order 2004 and shall come into force on the day after the day on which it is made.

Destination of fixed penalties in Scotland

2.In section 95 (destination of fines imposed in respect of road traffic offences etc.) of the Road Traffic Offenders Act 1988**(a)**, the existing provision becomes subsection (1) and at the end there is added–

“(2) There shall be paid into the Scottish Consolidated Fund all fixed penalties imposed in respect of offences, committed in Scotland, to which subsection (2) of section 46 of the Local Government in Scotland Act 2003 (road traffic offences in relation to which Scottish Ministers may provide funding) **(b)** applies.”.

ANNE C McGUIRE
Parliamentary Under Secretary of State,
Scotland Office,
Department for Constitutional Affairs

Dover House,
London

25th March 2004

(a) 1988 c.53.
(b) 2003 asp 1.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision consequential on the Local Government in Scotland Act 2003 (“the 2003 Act”).

Section 46 of the 2003 Act provides the Scottish Ministers with a power to make payments in respect of the expenditure of a local authority or a joint police board in relation to any enforcement action or proceedings in respect of the traffic offences specified in section 46(2) of the 2003 Act. Article 2 of this Order amends section 95 (destination of fines imposed in respect of road traffic offences etc.) of the Road Traffic Offenders Act 1988 to provide that all fixed penalties imposed in respect of the offences specified in section 46(2) of the 2003 Act which are committed in Scotland shall be paid into the Scottish Consolidated Fund.

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£3.00

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under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

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04/04

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ISBN 0-11-069088-5



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