



Transport (Scotland) Act 2005

2005 asp 12

PART 2

ROAD WORKS

Enforcement of certain offences under the Roads (Scotland) Act 1984

38 Civil penalties for certain offences under the roads (Scotland) Act 1984

- (1) After section 130A of the Roads (Scotland) Act 1984 (as inserted by section 37 above) there is inserted—

“130B Civil penalties for certain offences

- (1) The Scottish Ministers may, by regulations, make provision for or in connection with—
- (a) the imposition by roads authorities of penalty charges in respect of the offences which, under section 130A of this Act, are fixed penalty offences;
 - (b) the payment of such charges.
- (2) The regulations shall include provision specifying the person or persons by whom a penalty charge in respect of an offence is to be paid (who may be or, as the case may be, include a person other than the person who committed the offence).
- (3) The regulations shall include provision—
- (a) prohibiting criminal proceedings or the giving of a fixed penalty notice in respect of any description of conduct for which a penalty charge may be imposed; or
 - (b) securing that a penalty charge is not payable or is refunded where the conduct is the subject of criminal proceedings or of a fixed penalty notice.
- (4) The regulations shall include provision about the standard of proof required to establish the commission of an offence in respect of which a penalty charge

Status: This is the original version (as it was originally enacted).

may be imposed and may include other provision for or in connection with evidence and procedure.

- (5) The regulations may set different levels of penalty charges in respect of different offences and in respect of the same offences committed in different circumstances.
- (6) The regulations may include provision for and in connection with—
- (a) the notification of penalty charges to persons appearing to be liable to pay them;
 - (b) the enabling and effect of the making of representations to roads authorities by persons who are or may be liable to pay those charges;
 - (c) appeals by those persons against the imposition of those charges.”.
- (2) In section 143 of that Act (which includes provision as to regulations under the Act), in subsection (2)(b)(i) after “17” there is inserted “or 130B”.