

Changes to legislation: There are currently no known outstanding effects for the Smoking, Health and Social Care (Scotland) Act 2005, Paragraph 6. (See end of Document for details)

SCHEDULE 1

[^{F1}FIXED PENALTY FOR OFFENCES UNDER SECTIONS 1, 2, 3, 4A, 4B AND 4C(5)]

Textual Amendments

- F1** Sch. 1 title substituted (2.3.2022 for specified purposes, 5.9.2022 in so far as not already in force) by Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (asp 14), ss. **20(8)(f)**, 36(2); S.S.I. 2022/43, reg. 2, sch.

Effect of notice and payment of penalty

- 6 (1) This paragraph applies where a person is served with a fixed penalty notice in respect of a fixed penalty offence.
- (2) No proceedings for the offence may be commenced before the end of the period for payment of the penalty.
- (3) No such proceedings may be commenced or continued if payment of the penalty is made before the end of that period or is accepted by the council after that time.
- (4) Payment of the discounted amount counts for the purposes of sub-paragraph (3) only if it is made before the end of the period for payment of the discounted amount.
- (5) In proceedings for the offence, a certificate which—
- (a) purports to be signed by or on behalf of a person having responsibility for the financial affairs of the council; and
 - (b) states that payment of an amount specified in the certificate was or was not received by a date so specified,
- is sufficient evidence of the facts stated.

Modifications etc. (not altering text)

- C1** Sch. 1 paras. 6-11 applied (15.5.2006) by Smoking, Health and Social Care (Scotland) Act 2005 and The Prohibition Of Smoking In Certain Premises (Scotland) Regulations 2006 (Consequential Provisions) (Scotland) Order 2006 (S.I. 2006/1115), arts. 1, **3** (with art. 4)

Commencement Information

- I1** Sch. 1 para. 6 in force at 26.3.2006 at 0600 hours by S.S.I. 2005/492, art. **3(d)**

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