

Changes to legislation: There are currently no known outstanding effects for the Smoking, Health and Social Care (Scotland) Act 2005, Paragraph 8. (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.

Power to withdraw notices

- 8 (1) If the council considers (whether after holding a hearing under paragraph 7 or not) that a fixed penalty notice which has been given ought not to have been given, it may give to the person to whom it was given a notice withdrawing the fixed penalty notice.
- (2) Where a notice under sub-paragraph (1) is given—
- (a) the council must repay any amount which has been paid by way of penalty in pursuance of the fixed penalty notice; and
 - (b) no proceedings are to be commenced or continued against that person for the offence in question.
- (3) The council must consider any representations made by or on behalf of the recipient of a fixed penalty notice and decide in all the circumstances whether to withdraw the notice.

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. 8 in force at 26.3.2006 at 0600 hours by S.S.I. 2005/492, art. **3(d)**

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