AQUACULTURE AND FISHERIES (SCOTLAND) ACT 2007

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EXPLANATORY NOTES

THE ACT

Part 4: Sea Fisheries

Fixed penalty notices

Section 26 – Content and form of fixed penalty notice

66.   This section provides for the detail that should be contained in a fixed penalty notice. Subsection (1) prescribes the information which must be set out in a fixed penalty notice. Paragraph (a) provides that the notice must give sufficient detail of the circumstances alleged to constitute the offence as is necessary to give reasonable information about the alleged offence; paragraphs (b) and (c) require the notice to specify the amount of the penalty and the period for paying; paragraph (d) requires the notice to state that if before the period for paying has expired the person makes payment of the fixed penalty, any liability for conviction of the offence is discharged; paragraph (e) requires the notice to state that the payment of the fixed penalty is not a conviction and may not be recorded as such; paragraph (f) requires the notice to state that no proceedings may be commenced unless intimation of an intention not to pay the fixed penalty has been made or the period for paying has expired without payment being made; paragraph (g) requires the notice to specify to whom, where and by what means payment should be made; and paragraph (h) requires the notice to state that if the person does not intend to pay the fixed penalty the person may intimate that intention in writing as provided in section 29(2)(b). Subsection (2) permits the Scottish Ministers to include in a notice such other information as they think fit, and subsection (3) gives the Scottish Ministers power by order to prescribe the form of notices. Subsection (4) defines the period for paying as 28 days, subject to any order made under subsection (5), which permits the Scottish Ministers by order to specify a period shorter than 28 days in relation to different cases and categories of case (which are most likely to be those relating to persons who are domiciled outside the UK).