



Criminal Proceedings etc. (Reform) (Scotland) Act 2007

2007 asp 6

PART 3

PENALTIES

Penalties as alternative to prosecution

52 Setting aside of offers and orders

After section 303ZA (inserted by section 51 of this Act) of the 1995 Act there is inserted—

“303ZB Setting aside of offers and orders

- (1) Where this subsection applies, the procurator fiscal may set aside—
 - (a) a fixed penalty offer made under section 302(1) of this Act;
 - (b) a compensation offer made under section 302A(1) of this Act;
 - (c) a work offer made under section 303ZA(1) of this Act;
 - (d) a work order made under section 303ZA(6) of this Act.
- (2) Subsection (1) above applies where, on the basis of information which comes to the procurator fiscal’s attention after the offer or (as the case may be) order has been made, the procurator fiscal considers that the offer or (as the case may be) order should not have been made in respect of the alleged offender.
- (3) The procurator fiscal may act under subsection (1)(a) to (c) above even where the offer has been accepted (including, in the case of an offer mentioned in subsection (1)(a) or (b) above, deemed to have been accepted).
- (4) Where the procurator fiscal acts under subsection (1) above, the procurator fiscal shall give the alleged offender notice—
 - (a) of the setting aside of the offer or (as the case may be) order; and
 - (b) indicating that any liability of the alleged offender to conviction of the alleged offence is discharged.”.