

TOBACCO AND PRIMARY MEDICAL SERVICES (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT – OVERVIEW

Schedule 1 – Fixed Penalties

64. [Schedule 1](#) makes further provision about fixed penalties in relation to offences under Chapter 1 or 2 of the Act . Paragraph 2 states that FPNs issued by virtue of this Act have to contain details such as the amount payable, deadline for payment, discounted amount for early payment and reasonable particulars of the circumstances alleged to constitute an offence.
65. Scottish Ministers may prescribe by virtue of paragraphs 3 and 4 the period in which a notice can be given after the related offence and the levels of FPNs respectively. Paragraph 4(2) empowers the Scottish Ministers to set different amounts of FPNs depending on whether the offender has been issued with a FPN in respect of a specified offence or been convicted of any specified offences within a prescribed period.
66. [Paragraph 5](#) sets the payment deadline at 28 days after the day on which the notice is given and the discounted payment deadline at 14 days after the day on which the notice is given. The council can extend the payment deadline in any particular case where it considers it appropriate to do so. The Scottish Ministers can amend the deadlines more generally under paragraph 11(2).
67. By virtue of paragraph 7, a person can be prosecuted where they have not paid the FPN by the payment deadline.
68. Under paragraph 8, a council can withdraw an FPN . If withdrawn no criminal proceedings for the related offence may be commenced.