

---

**Changes to legislation:** There are currently no known outstanding effects for the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016, Cross Heading: Power to withdraw notices. (See end of Document for details)

---

## SCHEDULE FIXED PENALTY FOR OFFENCE UNDER SECTION 1

### *Power to withdraw notices*

- 7 (1) If the local authority considers (whether after holding a hearing under paragraph 6 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 local authority 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 local authority must consider any representations made by or on behalf of the recipient of the fixed penalty notice and decide in all the circumstances whether to withdraw the notice.

---

#### **Commencement Information**

**II** Sch. para. 7 in force at 5.12.2016 by S.S.I. 2016/259, reg. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016, Cross Heading: Power to withdraw notices.