

Status: Point in time view as at 01/10/2008.

Changes to legislation: New Roads and Street Works Act 1991, Cross Heading: Power to withdraw notices is up to date with all changes known to be in force on or before 25 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 6B

FIXED PENALTIES FOR CERTAIN OFFENCES UNDER PART 4

Textual Amendments

- F1** Sch. 6B inserted (S.) (1.10.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), sch. 5; S.S.I. 2008/15, art. 2(3), sch. 2

Modifications etc. (not altering text)

- C1** Sch. 6B restricted (1.10.2008) by The Road Works (Fixed Penalty) (Scotland) Regulations 2008 (S.S.I. 2008/244), regs. 1, 3

Power to withdraw notices

- 8 (1) If the road works authority consider (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, they 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 road works authority shall repay any amount which has been paid by way of penalty in pursuance of the fixed penalty notice, and
 - (b) no proceedings shall be commenced or continued against that person for the offence in question.
- (3) The road works authority shall 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.]

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