
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2023 No.

**The Parking Prohibitions (Enforcement and
Accounts) (Scotland) Regulations 2023**

PART 2

Penalty charges and enforcement

Circumstances in which a charge is not payable or is to be refunded

8.—(1) No penalty charge is payable in relation to a contravention where the conduct in respect of which the penalty charge is imposed is the subject of—

- (a) criminal proceedings,
 - (b) a fixed penalty notice (within the meaning of section 52(1) (fixed penalty notices) of the Road Traffic Offenders Act 1988), or
 - (c) a penalty charge notice issued under section 66(1) (parking penalties in London) of the Road Traffic Act 1991⁽¹⁾ (as applied by an order under paragraph 1 or 2 of schedule 3 of that Act).
- (2) Where, despite paragraph (1)—
- (a) a penalty charge is paid in respect of a contravention, and
 - (b) the conduct in respect of which the penalty charge is imposed is the subject of proceedings or a notice as mentioned in paragraph (1)(a) to (c),

the local authority must, as soon as reasonably practicable after the circumstances in sub-paragraph (b) come to its notice, refund the amount of the penalty charge which has been paid.

⁽¹⁾ 1991 c. 40. Section 66 was repealed in relation to England and Wales by paragraph 1 of schedule 12 of the Traffic Management Act 2004 (c. 18).