

SCHEDULE 1

Fixed monetary penalties

Fixed monetary penalties: effect on criminal proceedings etc.

11.—(1) Where a notice of intent relating to a fixed monetary penalty is served on a person in respect of an offence constituted by an act or omission, the period mentioned in sub-paragraph (2) is not to be counted in calculating any period within which criminal proceedings in respect of that offence constituted by that act or omission must be commenced.

(2) The period is that beginning with the day on which the notice of intent is served and ending with the day which is the final day on which written representations may be made in relation to the notice.

(3) Where a fixed monetary penalty is imposed on a person in respect of an offence constituted by an act or omission, no criminal proceedings may be commenced against the person in respect of that offence constituted by that act or omission.

(4) The reference in sub-paragraph (3) to criminal proceedings being commenced is to be read as if it includes a reference to—

- (a) a warning being given by the procurator fiscal;
- (b) a conditional offer (within the meaning of section 302 of the Criminal Procedure (Scotland) Act 1995(1)) being sent;
- (c) a compensation offer under section 302A(2) of that Act being sent;
- (d) a combined offer under section 302B(3) of that Act being sent; and
- (e) a work order under section 302ZA(4) of that Act being made.

(1) 1995 c.46. Section 302 was amended by section 50(1) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6) (“the 2007 Act”) and amended by section 70(3) of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13) (“the 2010 Act”).

(2) Section 302A was added by section 50(2) of the 2007 Act and amended by section 70(4) of the 2010 Act.

(3) Section 302B was added by section 50(2) of the 2007 Act.

(4) Section 302ZA was added by section 51 of the 2007 Act and amended by section 70(5) of the 2010 Act.