



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XIII

MISCELLANEOUS

Fixed penalties

[^{F1}303ZB **Setting aside of offers and orders**

- (1) Where this subsection applies, the procurator fiscal may set aside—
 - (a) a fixed penalty offer made under section 302(1) of this Act;
 - (b) a compensation offer made under section 302A(1) of this Act;
 - (c) a work offer made under section 303ZA(1) of this Act;
 - (d) a work order made under section 303ZA(6) of this Act.
- (2) Subsection (1) above applies where, on the basis of information which comes to the procurator fiscal's attention after the offer or (as the case may be) order has been made, the procurator fiscal considers that the offer or (as the case may be) order should not have been made in respect of the alleged offender.
- (3) The procurator fiscal may act under subsection (1)(a) to (c) above even where the offer has been accepted (including, in the case of an offer mentioned in subsection (1)(a) or (b) above, deemed to have been accepted).
- (4) Where the procurator fiscal acts under subsection (1) above, the procurator fiscal shall give the alleged offender notice—
 - (a) of the setting aside of the offer or (as the case may be) order; and
 - (b) indicating that any liability of the alleged offender to conviction of the alleged offence is discharged.]

Status: Point in time view as at 02/01/2013.

Changes to legislation: *Criminal Procedure (Scotland) Act 1995, Section 303ZB is up to date with all changes known to be in force on or before 24 June 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)*

Textual Amendments

- F1** S. 303ZB inserted (10.3.2008) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#), [ss. 52, 84](#); [S.S.I. 2008/42](#), [art. 3](#), [Sch.](#) (subject to arts. 4 - 6)

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