

*Status: This version of this provision is prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Transport (Scotland) Act 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



# Transport (Scotland) Act 2005

## 2005 asp 12

### PART 2

#### ROAD WORKS

*Enforcement of certain offences under the Roads (Scotland) Act 1984*

PROSPECTIVE

#### **38 Civil penalties for certain offences under the roads (Scotland) Act 1984**

- (1) After section 130A of the Roads (Scotland) Act 1984 (as inserted by section 37 above) there is inserted—

##### **“130B Civil penalties for certain offences**

- (1) The Scottish Ministers may, by regulations, make provision for or in connection with—
- (a) the imposition by roads authorities of penalty charges in respect of the offences which, under section 130A of this Act, are fixed penalty offences;
  - (b) the payment of such charges.
- (2) The regulations shall include provision specifying the person or persons by whom a penalty charge in respect of an offence is to be paid (who may be or, as the case may be, include a person other than the person who committed the offence).
- (3) The regulations shall include provision—
- (a) prohibiting criminal proceedings or the giving of a fixed penalty notice in respect of any description of conduct for which a penalty charge may be imposed; or
  - (b) securing that a penalty charge is not payable or is refunded where the conduct is the subject of criminal proceedings or of a fixed penalty notice.

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- (4) The regulations shall include provision about the standard of proof required to establish the commission of an offence in respect of which a penalty charge may be imposed and may include other provision for or in connection with evidence and procedure.
  - (5) The regulations may set different levels of penalty charges in respect of different offences and in respect of the same offences committed in different circumstances.
  - (6) The regulations may include provision for and in connection with—
    - (a) the notification of penalty charges to persons appearing to be liable to pay them;
    - (b) the enabling and effect of the making of representations to roads authorities by persons who are or may be liable to pay those charges;
    - (c) appeals by those persons against the imposition of those charges.”.
- (2) In section 143 of that Act (which includes provision as to regulations under the Act), in subsection (2)(b)(i) after “17” there is inserted “ or 130B ”.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18A-18F inserted by [2019 asp 17 s. 110\(2\)](#)
- sch. 2 para. 3(2)(3) inserted by [2019 asp 17 s. 110\(4\)\(b\)](#)
- sch. 2 para. 3(1) sch. 2 para. 3 renumbered as sch. 3 para. 3(1) by [2019 asp 17 s. 110\(4\)\(a\)](#)

**Commencement Orders yet to be applied to the Transport (Scotland) Act 2005**

Commencement Orders bringing provisions within this Act into force:

- [S.S.I. 2008/90 art. 2](#) amendment to earlier commencing SSI 2008/15 art. 3