

SCHEDULE 1
FIXED PENALTY FOR OFFENCES UNDER SECTIONS 1, 2, AND 3

Judicial determination of enforcement of fixed penalty

- 11 (1) A person against whom a fixed penalty bears to be enforceable under paragraph 10 may apply to the sheriff by summary application for a declaration that the fixed penalty is not enforceable on the ground that—
- (a) the fixed penalty was paid before the expiry of the period for paying; or
 - (b) the person has made a request for a hearing in accordance with paragraph 7 and no hearing has been held within a reasonable time after the request.
- (2) On an application under sub-paragraph (1), the sheriff may declare—
- (a) that the person has or, as the case may be, has not paid the fixed penalty within the period for payment of the penalty;
 - (b) that the person has or, as the case may be, has not requested a hearing in accordance with paragraph 7;
 - (c) that, where such a request has been made, a hearing has or, as the case may be, has not been held within a reasonable time after the request; and accordingly, that the fixed penalty is or, as the case may be, is not enforceable.