

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

Power to withdraw notices

- 8 (1) If the council considers (whether after holding a hearing under paragraph 7 or not) that a fixed penalty notice which has been given ought not to have been given, it may give to the person to whom it was given a notice withdrawing the fixed penalty notice.
- (2) Where a notice under sub-paragraph (1) is given—
- (a) the council must repay any amount which has been paid by way of penalty in pursuance of the fixed penalty notice; and
 - (b) no proceedings are to be commenced or continued against that person for the offence in question.
- (3) The council must consider any representations made by or on behalf of the recipient of a fixed penalty notice and decide in all the circumstances whether to withdraw the notice.