



Criminal Proceedings etc. (Reform) (Scotland) Act 2007

2007 asp 6

PART 3

PENALTIES

Penalties as alternative to prosecution

53 Disclosure of previous offers

(1) In section 69 (notice of previous convictions) of the 1995 Act, after subsection (5) there is added—

“(6) This section applies in relation to the alternative disposals mentioned in subsection (7) below as it applies in relation to previous convictions.

(7) Those alternative disposals are—

(a) a—

(i) fixed penalty under section 302(1) of this Act;

(ii) compensation offer under section 302A(1) of this Act,

that has been accepted (or deemed to have been accepted) by the accused in the two years preceding the date of an offence charged;

(b) a work order under section 303ZA(6) of this Act that has been completed in the two years preceding the date of an offence charged.”.

(2) In section 101 (previous convictions: solemn proceedings) of that Act, after subsection (8) there is added—

“(9) This section, except subsection (2) above, applies in relation to the alternative disposals mentioned in subsection (10) below as it applies in relation to previous convictions.

(10) Those alternative disposals are—

(a) a—

(i) fixed penalty under section 302(1) of this Act;

Status: This is the original version (as it was originally enacted).

- (ii) compensation offer under section 302A(1) of this Act, that has been accepted (or deemed to have been accepted) by the accused in the two years preceding the date of an offence charged;
 - (b) a work order under section 303ZA(6) of this Act that has been completed in the two years preceding the date of an offence charged.
- (11) Nothing in this section or in section 69 of this Act shall prevent the prosecutor, following conviction of an accused of an offence—
 - (a) to which a fixed penalty offer made under section 302(1) of this Act related;
 - (b) to which a compensation offer made under section 302A(1) of this Act related; or
 - (c) to which a work offer made under section 303ZA(1) of this Act related,
 providing the judge with information about the making of the offer (including the terms of the offer).”
- (3) In section 166 (previous convictions: summary proceedings) of that Act, after subsection (8) there is added—
 - “(9) This section, except subsection (8) above, applies in relation to the alternative disposals mentioned in subsection (10) below as it applies in relation to previous convictions.
- (10) Those alternative disposals are—
 - (a) a—
 - (i) fixed penalty under section 302(1) of this Act;
 - (ii) compensation offer under section 302A(1) of this Act, that has been accepted (or deemed to have been accepted) by the accused in the two years preceding the date of an offence charged;
 - (b) a work order under section 303ZA(6) of this Act that has been completed in the two years preceding the date of an offence charged.
- (11) Nothing in this section shall prevent the prosecutor, following conviction of an accused of an offence—
 - (a) to which a fixed penalty offer made under section 302(1) of this Act related;
 - (b) to which a compensation offer made under section 302A(1) of this Act related; or
 - (c) to which a work offer made under section 303ZA(1) of this Act related,
 providing the judge with information about the making of the offer (including the terms of the offer).”