



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

2007 asp 6

## PART 3

### PENALTIES

#### *Penalties as alternative to prosecution*

#### 54 Time bar where offer made

After section 136A of the 1995 Act (inserted by section 23 of this Act) there is inserted—

##### **“136B Time limits where fixed penalty offer etc. made**

- (1) For the purposes of section 136 of this Act, and any provision of any other enactment for a time limit within which proceedings are to be commenced, in calculating the period since a contravention occurred—
- (a) where a fixed penalty offer is made under section 302(1) of this Act, the period between the date of the offer and—
    - (i) the receipt by the procurator fiscal of a notice under section 302(4) of this Act;
    - (ii) a recall of the fixed penalty by virtue of section 302C of this Act,shall be disregarded;
  - (b) where a compensation offer is made under section 302A(1) of this Act, the period between the date of the offer and—
    - (i) the receipt by the procurator fiscal of a notice under section 302A(4) of this Act;
    - (ii) a recall of the offer by virtue of section 302C of this Act,shall be disregarded;
  - (c) where a work offer is made under section 303ZA(1) of this Act, the period between the date of the offer and—

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*Status: This is the original version (as it was originally enacted).*

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- (i) if the alleged offender does not accept the offer in the manner described in section 303ZA(5) of this Act, the last date for notice of acceptance of the offer;
  - (ii) if the alleged offender accepts the offer as so described, but fails to complete the subsequent work order, the date specified for completion of the order,
- shall be disregarded.
- (2) A certificate purporting to be signed by or on behalf of the prosecutor which states a period to be disregarded by virtue of subsection (1) above is sufficient authority for the period to be disregarded.”.