



Vehicle and Driving Licences Act 1969

1969 CHAPTER 27

Legal proceedings etc.

26 Institution and conduct of proceedings in Scotland

- (1) Subject to the provisions of this section, summary proceedings for an offence under the Act of 1962 except under section 17(1) or (2) thereof, or for an offence under this Act, except under section 22 thereof, may be instituted in Scotland by the Minister or, within their area, by a local authority.
- (2) Notwithstanding the provisions of any enactment, the Minister or a local authority may institute proceedings by virtue of subsection (1) of this section in any court of summary jurisdiction in Scotland.
- (3) Any proceedings in any court in Scotland, other than the High Court of Justiciary or the Court of Session, by or against the Minister under this Act, the Act of 1962 or Part II of the Act of 1960 may be conducted on behalf of the Minister by any person authorised by him for the purposes of this subsection.
- (4) Summary proceedings in Scotland in respect of an offence under section 7, 10(4), 12(9) or 17(1) or (2) of the Act of 1962 or section 12(2) of this Act or under regulations made in pursuance of that Act or in pursuance of section 6, 19 or 20 of this Act, shall not be commenced more than three years after the commission of the offence, but subject to the foregoing limitation and notwithstanding anything in section 23 of the Summary Jurisdiction (Scotland) Act 1954 (limitation of time for proceedings in statutory offences) any such proceedings may be commenced—
 - (a) in the case of proceedings instituted by the procurator fiscal as a result of information supplied to him by the Minister or a local authority, at any time within six months from the date on which such information came to the knowledge of the Minister or the local authority ;
 - (b) in any other case, at any time within six months from the date on which evidence sufficient in the opinion of the person instituting the proceedings to justify proceedings came to his knowledge,

and subsection (2) of the said section 23 shall apply for the purposes of this subsection as it applies for the purposes of that section.

- (5) For the purposes of subsection (4) of this section a certificate signed—
- (a) in the case of any such proceedings as are mentioned in paragraph (a) of that subsection, by or on behalf of the Minister or the local authority;
 - (b) in any other case, by or on behalf of the person instituting the proceedings, and stating the date on which such information or, as the case may be, such evidence as aforesaid came to his or their knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be signed by or on behalf of the Minister or the local authority or that person shall be deemed to be so signed unless the contrary is proved.
- (6) No proceedings for an offence shall be instituted by virtue of the foregoing provisions of this section by the Minister before the transfer date or by a local authority on or after that date.
- (7) Section 19(2) of the Act of 1962 (under which certain provisions of the Customs and Excise Act 1952 are not to apply to offences under the Act of 1962) shall not extend to Scotland except so far as it relates to section 287 of the said Act of 1952.
- (8) Section 19(3) of the Act of 1962 (which relates to the institution of proceedings in Scotland) shall cease to have effect.