



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XIII

#### MISCELLANEOUS

##### *Fixed penalties*

#### **303 Fixed penalty: enforcement**

- (1) Subject to subsection (2) below, where an alleged offender accepts a conditional offer by paying the first instalment of the appropriate fixed penalty, any amount of the penalty which is outstanding at any time shall be treated as if the penalty were a fine imposed by the court, the clerk of which is specified in the conditional offer.
- (2) In the enforcement of a penalty which is to be treated as a fine in pursuance of subsection (1) above—
  - (a) any reference, howsoever expressed, in any enactment whether passed or made before or after the coming into force of this section to—
    - (i) the imposition of imprisonment or detention in default of payment of a fine shall be construed as a reference to enforcement by means of civil diligence;
    - (ii) the finding or order of the court imposing the fine shall be construed as a reference to a certificate given in pursuance of subsection (3) below;
    - (iii) the offender shall be construed as a reference to the alleged offender;
    - (iv) the conviction of the offender shall be construed as a reference to the acceptance of the conditional offer by the alleged offender;
  - (b) the following sections of this Act shall not apply—
    - section 211(7)
    - section 213(2);
    - section 214(1) to (6);
    - section 216(7);

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*Status: This is the original version (as it was originally enacted).*

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section 219, except subsection (1)(b);  
section 220;  
section 221(2) to (4);  
section 222(8); and  
section 224.

- (3) For the purposes of any proceedings in connection with, or steps taken for, the enforcement of any amount of a fixed penalty which is outstanding, a document purporting to be a certificate signed by the clerk of court for the time being responsible for the collection or enforcement of the penalty as to any matter relating to the penalty shall be conclusive of the matter so certified.
- (4) The Secretary of State may, by order made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, make such provision as he considers necessary for the enforcement in England and Wales or Northern Ireland of any penalty, treated in pursuance of subsection (1) above as a fine, which is transferred as a fine to a court in England and Wales or, as the case may be, Northern Ireland.