

Status: Point in time view as at 25/02/2020.

Changes to legislation: New Roads and Street Works Act 1991, Paragraph 7 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 6B

FIXED PENALTIES FOR CERTAIN OFFENCES UNDER PART 4

Textual Amendments

- F1** Sch. 6B inserted (S.) (1.10.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), sch. 5; S.S.I. 2008/15, art. 2(3), sch. 2

Modifications etc. (not altering text)

- C1** Sch. 6B restricted (1.10.2008) by The Road Works (Fixed Penalty) (Scotland) Regulations 2008 (S.S.I. 2008/244), regs. 1, 3

Request for hearing

- 7 (1) A person to whom a fixed penalty notice has been given may, before the expiry of the period for payment of the penalty, give notice requesting a hearing in respect of the offence to which the fixed penalty notice relates.
- (2) A notice requesting a hearing under sub-paragraph (1) shall be in writing and shall be sent by post or delivered to the person specified under paragraph 3(2)(c) in the fixed penalty notice at the address so specified.
- (3) For the purposes of this paragraph and unless the contrary is proved, the sending of a notice by post is deemed to have been effected at the time at which the notice would be delivered in the ordinary course of post.
- (4) Where a person has requested a hearing in accordance with this section—
- the road works authority shall hold the hearing,
 - a person authorised for the purpose by the road works authority in whose area the offence was committed shall notify the procurator fiscal of the request, and
 - the period for payment of the fixed penalty shall be calculated so that the period beginning with the giving of the notice under this paragraph and ending with the receipt by the person who gave that notice of the decision reached at the hearing is left out of account.]

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