

SCSN Consultation Response

Prosecuting road traffic offences in Scotland: Fixed Penalty Notice Reform

The Scottish Community Safety Network would like to submit the following response to the question: *Do you agree that section 54 of the Road Traffic Offenders Act 1988 should be amended to allow the police, traffic wardens and DVSA vehicle examiners to issue fixed penalty notices to suspected offenders of road traffic offences committed in Scotland.*

We agree that S54 should be amended to allow the issuing of FPNs to suspected offenders of road traffic offences committed in Scotland. We believe this should be done to free up the court system to deal with more serious offences which require court action. We would, however, like to see appropriate safeguards and guidance to those with the power to issue the FPNs so that:

- a) They are not used inappropriately as an 'easy/quick disposal' for either more serious offences, repeat road traffic offenders or circumstances under which discretion would have historically been exercised.
- b) There is clarity for those with the power to issue the FPNs and motorists under which circumstances it is acceptable to do so; and that motorists are aware this change is coming. The consultation document unfortunately did not make the circumstances under which FPNs would be issued clear, nor did it provide detail on the officers that will be given the power to issue these notices (the traffic warden function was removed from Police Scotland in most places a number of years ago and is now provided by the Local Authority).

We would also like to see appropriate safeguards around performance monitoring for FPNs that prevent the performance culture that has arisen with other environmental FPNs, parking FPNs and stop and searches i.e. performance based on the number of notices that are issued.

We would also like some information on what happens with the monies raised by these FPNs and would support it going back into community projects, similar to the way in which Cashback for Communities works for Proceeds of Crime Act monies.

Although we support the change in legislation, we would like to see a more detailed impact assessment carried out for example the likely impact upon motorists, those tasked with issuing the FPNs (for example additional training required, to whom would the responsibility fall); not only the positive impact on the police and crown office.

Regards,

Hannah (on behalf of the Scottish Community Safety Network)
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