

In the field of civil justice, pending procedures and proceedings initiated before the end of the transition period will continue under EU law. The e-Justice Portal, on the basis of a mutual agreement with the UK, will maintain the relevant information related to the United Kingdom until the end of 2024.

Defendants (criminal proceedings)

Scotland

Are all road traffic offences prosecuted in the criminal courts?

The police have powers to deal with certain types of road traffic offences through the use of non-court disposals such as fixed penalty notices. The police will generally report certain types of traffic offences to the prosecutor, who will consider if they are to be prosecuted in the criminal courts. Where the offence is not serious (e.g. it may not involve injury to someone or any damage to property), the prosecutor may decide to offer you a conditional offer for which, if accepted and the penalty is paid, no prosecution will be brought against you. The prosecutor may also offer diversion from prosecution courses in respect of certain road traffic offences related to careless driving.

Are road traffic offences prosecuted against nationals of other Member States?

You may be prosecuted in the criminal courts for road traffic offences even if you are from another Member State. For certain offences, if you are fined, the fine will be enforced in your own country.

What road traffic offences are not part of the criminal justice system?

Many offences which involve parking are dealt with under civil law and separately from the criminal justice system.

How are parking etc. offences dealt with?

All of the cities in Scotland, as well as numerous towns, have parking that is enforced through Decriminalised Parking Enforcement (DPE) regimes. DPE enables local roads authorities to administer their own parking penalty schemes and to retain the penalties collected to finance their parking enforcement procedures. The parking rules are enforced by parking attendants employed either directly or under contract to the local authority, rather than the police. Since parking offences at that point are no longer a criminal offence, if you park where you shouldn't (e.g. on double yellow lines or in other restricted places such as bus lanes), you will be given a Penalty Charge Notice (PCN). If you pay within 14 days, you only have to pay 50% of the amount of the charge. If you wish to dispute the PCN, you should write to the relevant local authority. If you are unhappy with the way your case has been dealt with, you can appeal to an independent tribunal, the Parking and Bus Lane Tribunal for Scotland.

In other parts of the country parking offences remain as part of the criminal justice system. However, Police Scotland began removing its traffic warden service from local authority areas in February 2014, but it still enforces dangerous obstructive parking, as well as the misuse of disabled bays, which are enforced via Traffic Regulation Orders. Local arrangements remain in some areas where the parking rules are enforced by the police or special police traffic wardens, who will issue you with a Fixed Penalty Notice (FPN). The only formal system for appealing a FPN is to choose to have your case heard in court. However, there is also an informal appeal process. You can write a letter explaining why you don't think you should have to pay the penalty. Information about where to write to will be included in the FPN.

How are speeding offences etc. dealt with?

If you exceed the speed limit and are caught doing so by the police or a safety camera, the police have discretion in how they deal with the situation. They may give you a verbal warning if this is decided to be appropriate. However, the police have power to report you to the prosecutor, who may decide to take criminal proceedings against you for any speeding offence.

Alternatively, the police may give you a Conditional Offer of Fixed Penalty (COFP). If you do not accept the COFP, your case will be prosecuted in a criminal court. If you do accept the COFP, your case cannot be tried in a court and you must pay the amount of the penalty. If you do not pay within 28 days, the police will report you to the prosecutor, who may prosecute you for refusing to pay the penalty.

Are special procedures for parking offences and traffic offences used against nationals of other Member States?

The rules applied to citizens of Scotland for dealing with parking and traffic offences also apply to nationals of other Member States.

Will motoring offences appear on my criminal record?

If you have been convicted in a criminal court of a motoring offence the conviction will appear on your criminal record for a period of time. However, this does not apply if one of the special procedures for parking offences and speeding offences has been used against you and you do not appear in court. In such cases your criminal record will generally not contain any details of any fixed penalty or penalty charge you may have paid.

Related links

[Crown Office and Procurator Fiscal Service](#)

[Which? Advice Parking Tickets](#)

Last update: 05/02/2020

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