

Faslane 365

Fixed Penalty Fines

The Procurator Fiscal (prosecutor in Scotland) sometimes writes to people who have been arrested and says that although there is enough evidence to prosecute they are being 'offered' the opportunity to pay a fixed penalty fine (also called a "fixed penalty notice" or "fiscal fine"). For a charge of Breach of the Peace for blockading Faslane this currently seems to be £50. The attraction is that it is not recorded as a conviction so you don't get a criminal record (although it is still recorded on your police record).

You have various options:

Write back and tell them you are not paying and why.

This is likely to result in a citation to come to Helensburgh District Court for trial.

Ignore it

This will also probably result in a citation to come to court. The letter says you have 28 days to pay and they might take a while to process it when the time is up so if you want to delay it for a while you could do nothing.

Pay

If for whatever reason you pay this you can still send a letter saying that you do it under protest etc. It goes on your record, but is recorded as NOT being a conviction (as it says in the letter).

You do not have to declare it for jobs, even for jobs in social work etc, which in England/Wales are exempt from the main provisions of the Rehabilitation of Offenders act, meaning that all past convictions and cautions have to be declared. A couple of people have had problems when it has come up on a police computer check. These have been resolved after some letter writing.

It will not be brought up in court if you are subsequently convicted of another offence (past convictions get mentioned in court at the sentencing stage).

Considerations

First of all, we will support you whatever you decide to do. It is your decision and we appreciate it that you joined the action and put yourself in the position of being arrested. Because everyone's situation is different it is up to you how far you want to take things.

If you don't pay up and have to come to court it is likely that you will be found guilty and fined up to £200. You will also have the hassle and expense of travelling here and sometimes cases get adjourned several times. You will also get a conviction on your record. That said, we can provide information and advice about how the court works, somewhere to stay when you come here and support in court. You also have the satisfaction of having had your say and there have been some really powerful moments in court. Whatever you say our persistence and strength of feeling is having an effect. The trial will probably be in a small local District Court, a good introduction to the legal system. For those that can manage to come for a trial it keeps the pressure on the system and is an indication of our resolve to get rid of Trident.

If you want to ask any questions please feel free to phone or e-mail us. In any case please let us know what you have decided to do if you have received a fixed penalty and of any further contact from the Procurator Fiscal's office.