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Dear Mr Macdonald

**SCOTTISH PARLIAMENTARY QUESTION S4W-11858, SW-11869, SW11862 to SW-11866, SW-11868
FISCAL DIRECT MEASURES (PENALTIES)**

The Cabinet Secretary in his response to the above PQ indicated that it relates to operational matters within the responsibility of the Scottish Court Service corporate body. I am now writing to you in response to the matter you have raised.

S4W-11858 asks: how many fiscal direct penalties have been discharged due to the death of the alleged offender in each year since 2009

The number of occasions that fiscal direct measures have been discharged due to the death of the offender is provided in the table below:

Fiscal Direct Measures Discharged	2009	2010	2011	2012
Death of the offender	117	265	240	318

S4W-11859 asks: how many fiscal direct penalties have been discharged due to them being (a) refused, (b) recalled and (c) withdrawn in each year since 2009

The number of occasions that fiscal direct measures have been discharged due to them being (a) refused, (b) recalled and (c) withdrawn is provided in the table below:

Fiscal Direct Measures Discharged	2009	2010	2011	2012
Refused	1097	1036	1280	1094
Recalled	217	121	194	231
Withdrawn	1598	1456	1712	1287

S4W-11862 asks: how many fiscal direct penalties have been discharged due to the alleged offender being given a (a) supervised attendance order, (b) community service or payback order and (c) prison sentence in relation to the offence in each year since 2009.

The option for the court to impose an alternative sentence of (a) a supervised attendance order, (b) a community service or payback order or (c) a prison sentence is not available for fiscal direct measures.

S4W-11863 asks: how many fiscal direct penalties have been discharged due to the alleged offender being given a (a) supervised attendance order, (b) community service or payback order and (c) prison sentence in relation to a separate offence in each year since 2009

The database is not configured to record this information. A manual data gathering exercise would be required to source the information, regrettably the cost of that would be prohibitive.

S4W-11864 asks: how many fiscal direct penalties have been discharged due to the alleged offender being given a (a) supervised attendance order, (b) community service or payback order and (c) prison sentence in relation to a person's failure to pay such penalties in each year since 2009

Please see response to SW-11862.

S4W-11865 asks: whether the Scottish Court Service uses (a) seizure of vehicle, (b) earning arrestment, (c) deduction of benefit and (d) arrestment of funds orders to secure payment of fiscal direct penalties

The Scottish Court Service do use (a) seizure of vehicle, (b) earning arrestment, (c) deduction of benefit and (d) arrestment of funds orders to secure payment of fiscal direct measures.

S4W-11866 asks: which parts of the declaration of income form must be completed by an alleged offender who has accepted a fiscal direct penalty and whether completion of the form is mandatory

Completion of the declaration of income form is not mandatory.

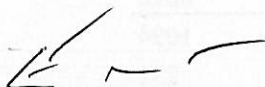
S4W-11888 asks: how many alleged offenders have been taken to court because of a failure to pay a fiscal direct penalty in each year since 2009

The number of occasions that offenders have been cited to court for failing to pay a fiscal direct measure is set out in the table below:

Fiscal Direct Measures	2009	2010	2011	2012
FEC Citations	6233	9220	12946	12420

A copy of this letter will be placed in the Scottish Parliament Information Centre and published on the Scottish Court Service website.

Yours sincerely



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