

*These notes relate to the Dog Fouling (Scotland) Act 2003
(asp 12) which received Royal Assent on 22 April 2003*

DOG FOULING (SCOTLAND) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 13: Withdrawal of fixed penalty notice

42. Under this section an authorised officer or a police constable can withdraw a fixed penalty notice if he or she determines that the offence has not been committed or that the notice should not have been issued to the person who is named in the notice. A local authority officer can only withdraw notices issued by the local authority and the police only have the power to withdraw notices issued by police constables. A fixed penalty notice might be withdrawn, for example, where it was issued to a person and it was then later discovered that the person had consent from the owner and occupier of the land (section 1(b)). Another situation where a fixed penalty notice may be withdrawn is if it transpires that there has been a mistake as to the identity of the alleged offender and the fixed penalty notice should not have been issued to the person who is named in the notice.