

DOG FOULING (SCOTLAND) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 9: Amount and payment of fixed penalty

36. Subsection (1) provides that the fixed penalty will be payable to the local authority in whose area the offence was committed. Subsection (2) sets the amount of the fixed penalty at an amount that is equal to 20% of level 1 on the standard scale. Level 1 is currently £200, making the penalty to be paid £40. Specifying the level of the fixed penalty by reference to a percentage of level 1 on the standards scale ensures that the fixed penalty will increase in line with changes in the standard scale without the need for any amendment to the Act. The percentage can be changed by the Scottish Ministers under subsection (2) by an order subject to affirmative resolution procedure (see section 15(3)(b)).
37. Subsection (3) provides that a fixed penalty received by the local authority is treated as if it were a fine imposed by a district court. Section 23 of the [District Courts \(Scotland\) Act 1975 \(c.20\)](#) provides that fines imposed in the district court accrue to the local authority. This provision therefore means that the local authority retains all money received in respect of payment of fixed penalties.