



Dog Fouling (Scotland) Act 2003

2003 asp 12

12 Judicial determination of enforcement of fixed penalty

- (1) A person against whom a fixed penalty is being enforced under section 11 may apply to the sheriff by summary application for a declaration that the fixed penalty is not enforceable under that section on the ground that—
 - (a) the fixed penalty was paid before the expiry of the period for paying; or
 - (b) the person has made a request for a hearing in accordance with section 8.
- (2) On summary application under subsection (1), the sheriff may declare—
 - (a) that the person has or, as the case may be, has not paid the fixed penalty within the period for paying;
 - (b) that the person has or, as the case may be, has not requested a hearing in accordance with section 8; and
 - (c) that the fixed penalty is or, as the case may be, is not enforceable under section 11.