

# **ANTISOCIAL BEHAVIOUR ETC. (SCOTLAND) ACT 2004**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 11 – Fixed Penalties**

##### ***Section 131 – Effect of fixed penalty notice***

288. **Section 131** sets out what happens if a fixed penalty notice is issued but not paid within 28 days beginning on the day on which the fixed penalty notice is given. Unless a person who has been issued with the fixed penalty notice asks to be tried for the alleged offence by giving a notice (in the manner specified in the fixed penalty notice) within the specified time, proceedings may not be brought against the person subject to the fixed penalty notice. If the person asks to be tried, it is a matter for the procurator fiscal to determine whether a prosecution is in the public interest.
289. Subsections (5) and (6) provide that if the penalty is not paid within the specified time and a request to be tried is not received, then the person issued the fixed penalty notice will be liable to pay a sum 50% more than the amount of the fixed penalty and that increased amount will be treated as if it is a fine imposed by the district court.