



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## PART 11

### FIXED PENALTIES

#### *Revocation of fixed penalty notices*

#### **133 Revocation of fixed penalty notices**

- (1) If—
- (a) a fixed penalty notice is given to a person under section 129; and
  - (b) a constable determines that either of the conditions mentioned in subsection (2) is satisfied,
- the constable may revoke the notice.
- (2) Those conditions are—
- (a) that the offence to which the fixed penalty notice relates was not committed; and
  - (b) that the notice ought not to have been issued to the person named as the person to whom it was issued.
- (3) Where a fixed penalty notice is revoked—
- (a) no amount shall be payable by way of fixed penalty in pursuance of that notice; and
  - (b) any amount paid by way of fixed penalty in pursuance of that notice shall be repaid to the person who paid it.

#### **Modifications etc. (not altering text)**

- C1** Ss. 129-134 applied (with modifications) (temp.) (26.3.2020 at 7.15 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/103\)](#), regs. 1(1), **9(6)(7)** (with reg. 11)

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**Changes to legislation:** *Antisocial Behaviour etc. (Scotland) Act 2004, Cross Heading: Revocation of fixed penalty notices is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- C2** Ss. 129-134 applied (with modifications) (temp.) (8.6.2020) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/169\)](#), regs. 1(2), **11(4)(5)** (with reg. 15)
- C3** Ss. 129-134 applied (with modifications) (temp.) (5.8.2020 at 5.00 p.m.) by [The Health Protection \(Coronavirus, Restrictions\) \(Aberdeen City\) Regulations 2020 \(S.S.I. 2020/234\)](#), regs. 1, **8(6)(7)** (with reg. 9)
- C4** Ss. 129-134 applied (with modifications) (temp.) (28.8.2020) by [The Health Protection \(Coronavirus, Restrictions\) \(Directions by Local Authorities\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/262\)](#), regs. 1(2), **13(7)(8)** (with reg. 15)
- C5** Ss. 129-134 applied (with modifications) (temp.) (14.9.2020) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/279\)](#), regs. 1, **16(7)(8)** (with reg. 17)
- C6** Ss. 129-134 applied (with modifications) (temp.) (9.10.2020 at 1800 hours) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Additional Temporary Measures\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/318\)](#), regs. 1(1), **27(7)(8)** (with regs. 4, 28)
- C7** Ss. 129-134 applied (with modifications) (temp.) (2.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/344\)](#), regs. 1(1), **7(7)(8)** (with reg. 9)
- C8** Ss. 129-134 applied (with modifications) (temp.) (9.8.2021) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/277\)](#), regs. 1(1), **17(7)(8)** (with reg. 19)
- C9** Ss. 129-134 applied (with modifications) (temp.) (20.9.2021) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/322\)](#), regs. 1(2), **35(4)(5)** (with reg. 50)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 85B inserted by [2014 asp 14 s. 21\(1\)](#)