



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## PART 11

### FIXED PENALTIES

#### *Fixed penalty notices and penalties*

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

- (1) This section applies if a fixed penalty notice is given to a person (“A”) under section 129.
- (2) Subject to subsection (3), proceedings may not be brought against A.
- (3) If A asks to be tried for the alleged offence, proceedings may be brought against A.
- (4) Such a request shall be made by a notice given by A—
  - (a) in the manner specified in the fixed penalty notice; and
  - (b) before the end of the period of 28 days beginning with the day on which the notice is given.
- (5) If, by the end of the period mentioned in paragraph (b) of subsection (4)—
  - (a) the fixed penalty has not been paid in accordance with this Part; and
  - (b) A has not made a request in accordance with that subsection,then A is liable to pay to the clerk of the [F1]justice of the peace court] specified in the fixed penalty notice a sum equal to one and a half times the amount of the fixed penalty.
- (6) A sum for which A is liable by virtue of subsection (5) shall be treated as if it were a fine imposed by the [F1]justice of the peace court] specified in the fixed penalty notice.

#### **Textual Amendments**

- F1** Words in s. 131(5)(6) substituted (for specified purposes at 10.3.2008, 2.6.2008, 8.12.2008, 23.2.2009 and 14.12.2009, and otherwise 22.2.2010) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007](#)

*Status: Point in time view as at 02/11/2020. This version of this provision has been superseded.*

*Changes to legislation: Antisocial Behaviour etc. (Scotland) Act 2004, Section 131 is up to date with all changes known to be in force on or before 16 January 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)*

(asp 6), ss. 80, 84, **Sch. para. 32(b)**; S.S.I. 2008/42, **art. 3**, Sch. (with arts. 4-6); S.S.I. 2008/192, **art. 3**, Sch; S.S.I. 2008/329, **art. 3**, Sch; S.S.I. 2008/362, **art. 3**, Sch.; S.S.I. 2009/432, **art. 3**, Schs. 1, 2

**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)
- 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)

**Status:**

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**Changes to legislation:**

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