

*These notes relate to the Antisocial Behaviour etc. (Scotland)
Act 2004 (asp 8) which received Royal Assent on 26 July 2004*

ANTISOCIAL BEHAVIOUR ETC. (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 11 – Fixed Penalties

Section 129 – Fixed penalty notices

285. **Section 129** provides that a police constable may issue a fixed penalty notice to a person aged 16 or over whom he or she believes has committed a fixed penalty offence in a prescribed area. It further provides that a fixed penalty notice offers the opportunity to pay a fixed penalty – a set monetary amount – to discharge any liability to be convicted of the offence to which the notice relates. In addition, Ministers have a regulation making power to prescribe an area or areas where the powers apply. This ensures that fixed penalty notices can be piloted. These regulations are subject to negative resolution procedure.