



# 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.