

*These notes relate to the Dog Fouling (Scotland) Act 2003  
(asp 12) which received Royal Assent on 22 April 2003*

# **DOG FOULING (SCOTLAND) ACT 2003**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 12: Judicial determination of enforcement of fixed penalty***

40. **Section 12** provides a mechanism under which disputes as to whether or not a fixed penalty has been paid or a hearing sought within the period for paying can be resolved by the courts. Subsection (1) enables a person who is in dispute with the local authority to apply to the sheriff by summary application for a declaration that the fixed penalty cannot be enforced under section 11 either because the fixed penalty has been paid or a request for a hearing has been made within the period for paying.
41. Subsection (2) provides that the sheriff may declare that the person has or has not paid the penalty or requested a hearing within the period for paying and that the fixed penalty is or is not enforceable under section 11.