



# Dog Fouling (Scotland) Act 2003

## 2003 asp 12

### **13      Withdrawal of fixed penalty notice**

- (1) A fixed penalty notice may be withdrawn—
- (a) where an authorised officer has issued it, by—
    - (i) an authorised officer; or
    - (ii) any person authorised for the purpose of withdrawal of fixed penalty notices by the local authority in whose area the offence was committed; and
  - (b) where a constable has issued it, by a constable,  
if the authorised officer, person or, as the case may be, constable determines that the offence to which the notice relates was not committed or that the notice ought not to have been issued to the person named as the person to whom it was issued.
- (2) Where a fixed penalty notice has been withdrawn—
- (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.