Dog Fouling (Scotland) Act 2003

2003 asp 12

5 Issue of fixed penalty notices

(1) Where—

(a) an authorised officer of a local authority finds a person whom the officer has reasonable grounds for suspecting of having committed an offence under section 1 in the area of that authority; or

(b) a constable finds a person whom the constable has reasonable grounds for suspecting of having committed an offence under section 1,

the officer or, as the case may be, constable may issue that person with a fixed penalty notice.

(2) In the circumstances set out in subsection (1)(a), the authorised officer may require the person suspected of having committed the offence to give that person's name and address.

(3) When making that requirement, the officer shall inform the person—

(a) that the officer has reasonable grounds for suspecting that the person has committed an offence under section 1; and

(b) that failure to comply with the requirement may be an offence.

(4) A person who has been required under this section to give that person's name and address and, without reasonable excuse, fails to do so shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 2 on the standard scale.

(5) A fixed penalty notice shall be issued as soon as reasonably practicable and, in any case, not later than 7 days after the commission of the offence to which the notice relates.

(6) Where a constable has issued a fixed penalty notice, the constable shall send a copy of the fixed penalty notice to the local authority in whose area the offence was committed no later than 24 hours after the notice was issued.

(7) A fixed penalty notice may be issued to a person under this section by handing or delivering it to that person.

(8) Where an authorised officer or, as the case may be, constable has been unsuccessful in issuing a fixed penalty notice to a person in accordance with subsection (7), the officer or constable may issue the fixed penalty notice by—

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(a) leaving it at that person's last known address; or

(b) sending it by post to that person at that address.

(9) Where an authorised officer or, as the case may be, constable has issued a fixed penalty notice in accordance with subsection (7), the officer or constable shall send a copy of the notice by post to that person at that person's last known address as soon as reasonably practicable and, in any case, not later than 7 days after the notice has been issued.

(10) For the purposes of subsections (8)(b) and (9), the sending of a notice by post is deemed to have been effected when the notice is posted.

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