



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 11

FIXED PENALTIES

Fixed penalty notices and penalties

130 Amount of fixed penalty and form of fixed penalty notice

- (1) Subject to subsection (2), the penalty payable in respect of a fixed penalty offence is such amount as the Scottish Ministers may specify by order.
- (2) The Scottish Ministers may not specify an amount exceeding level 2 on the standard scale.
- (3) A fixed penalty notice shall—
 - (a) state the alleged offence;
 - (b) give such particulars of the circumstances alleged to constitute the offence as are necessary to provide reasonable information about it;
 - (c) state the amount of the fixed penalty;
 - (d) state the clerk of the [F1]justice of the peace court] to whom, and the address at which, the fixed penalty may be paid;
 - (e) inform the person to whom it is given of the right to ask to be tried for the alleged offence and explain how that right may be exercised; and
 - (f) include such other information as the Scottish Ministers may by order prescribe.

Textual Amendments

- F1** Words in s. 130(3)(d) substituted (for specified purposes at 10.3.2008, 2.6.2008, 8.12.2008, 23.2.2009 and 14.12.2009, and otherwise 22.2.2010) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007](#) (asp 6), ss. 80, 84, [Sch. para. 32\(b\)](#); S.S.I. 2008/42, [art. 3](#), Sch. (with arts. 4-6); S.S.I. 2008/192, [art. 3](#), Sch; S.S.I. 2008/329, [art. 3](#), Sch; S.S.I. 2008/362, [art. 3](#), Sch.; S.S.I. 2009/432, [art. 3](#), Schs. 1, 2

Changes to legislation: *Antisocial Behaviour etc. (Scotland) Act 2004, Section 130 is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Modifications etc. (not altering text)

- C1** Ss. 129-134 applied (with modifications) (temp.) (26.3.2020 at 7.15 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/103\)](#), regs. 1(1), **9(6)(7)** (with reg. 11)
- C2** Ss. 129-134 applied (with modifications) (temp.) (8.6.2020) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/169\)](#), regs. 1(2), **11(4)(5)** (with reg. 15)
- C3** Ss. 129-134 applied (with modifications) (temp.) (5.8.2020 at 5.00 p.m.) by [The Health Protection \(Coronavirus, Restrictions\) \(Aberdeen City\) Regulations 2020 \(S.S.I. 2020/234\)](#), regs. 1, **8(6)(7)** (with reg. 9)
- C4** Ss. 129-134 applied (with modifications) (temp.) (28.8.2020) by [The Health Protection \(Coronavirus, Restrictions\) \(Directions by Local Authorities\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/262\)](#), regs. 1(2), **13(7)(8)** (with reg. 15)
- C5** Ss. 129-134 applied (with modifications) (temp.) (14.9.2020) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/279\)](#), regs. 1, **16(7)(8)** (with reg. 17)
- C6** Ss. 129-134 applied (with modifications) (temp.) (9.10.2020 at 1800 hours) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Additional Temporary Measures\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/318\)](#), regs. 1(1), **27(7)(8)** (with regs. 4, 28)
- C7** Ss. 129-134 applied (with modifications) (temp.) (2.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/344\)](#), regs. 1(1), **7(7)(8)** (with reg. 9)
- C8** Ss. 129-134 applied (with modifications) (temp.) (9.8.2021) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/277\)](#), regs. 1(1), **17(7)(8)** (with reg. 19)
- C9** Ss. 129-134 applied (with modifications) (temp.) (20.9.2021) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/322\)](#), regs. 1(2), **35(4)(5)** (with reg. 50)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 85B inserted by [2014 asp 14 s. 21\(1\)](#)