



# Control of Dogs (Scotland) Act 2010

## 2010 asp 9

### *Dangerous or unresponsive dogs*

#### **9 Dangerous or unresponsive dogs**

- (1) This section applies where it appears to an authorised officer that, in relation to a dog which is out of control and dangerous, serving a dog control notice (or a further dog control notice) would be inappropriate.
- (2) The local authority may by summary application apply to the sheriff for an order—
  - (a) appointing a person to undertake the dog's destruction, and
  - (b) requiring that it be delivered up for that purpose.
- (3) If the sheriff declines to make an order under subsection (2), the case may, if the sheriff thinks fit, be remitted to the local authority for a dog control notice (or a further dog control notice) to be served.
- (4) In so remitting the case, the sheriff is to direct that the dog control notice include (in place of any that might be specified by virtue of section 2(4)) such steps, to be taken by P, as are set out in the direction.
- (5) Where an order is made under subsection (2) the sheriff may (under this subsection) make a further order disqualifying the dog's owner from owning or keeping a dog during such period as the sheriff thinks fit.
- (6) The decision of the sheriff principal on any appeal against—
  - (a) an order under subsection (2) or (5),
  - (b) a remittal under subsection (3),
  - (c) a direction under subsection (4), or
  - (d) a declinature to make such an order or remittal,is final.
- (7) On an appeal under subsection (6), the sheriff principal may—
  - (a) uphold or discharge an order, remittal or direction appealed against,
  - (b) uphold a declinature appealed against or reject that declinature and remit the case to the sheriff for an order to be made under subsection (2),

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*Status: This is the original version (as it was originally enacted).*

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- (c) in the case of an appeal under paragraph (a) of subsection (6), decline to discharge the order but discharge or vary a term of the order, or
  - (d) in the case of an appeal under paragraph (c) of that subsection, decline to discharge the direction appealed against but discharge or vary a step set out in the direction.
- (8) Without prejudice to the generality of subsection (7), variation of a term or step may include (either or both)—
- (a) specifying a step to be taken by P additional to any specified by virtue of subsection (4),
  - (b) substituting a date for that by which a step is to be taken.

## **10 Amendment of Dangerous Dogs Act 1991**

In section 3(1) of the Dangerous Dogs Act 1991 (c.65) (keeping dogs under proper control), for the words “a public place” there is substituted “any place (whether or not a public place)”.