



# Control of Dogs (Scotland) Act 2010

## 2010 asp 9

### *Service and content of dog control notice*

#### **2 Content of dog control notice**

- (1) In addition to the requirement mentioned in subsection (1) of section 1, a dog control notice is to require—
- (a) that the proper person (in this and the following provisions of this Act referred to as “P”)—
    - (i) comply with the terms of the notice to the satisfaction of the local authority which has the duty of monitoring its effectiveness and enforcing it, and
    - (ii) on changing name or address, notify the authority of the change in question,
  - (b) that, within 14 days after the effective date, either—
    - (i) an electronic transponder be duly implanted in the dog as a means of identifying the animal and P, or
    - (ii) P satisfy the local authority (by providing such information to them as they may require) that such a transponder was duly implanted in the dog before the notice was served and already constitutes a means of identifying the animal and P,
  - (c) that, on an electronic transponder being implanted by virtue of paragraph (b) (i), P inform the local authority that it has been implanted and by whom, and
  - (d) that P or an entrusted person be present and in charge of the dog whenever it is in a place to which the public have access.
- (2) In paragraph (b) of subsection (1), the references to an electronic transponder being duly implanted are to its being implanted by a person who in the opinion of the local authority is appropriately qualified to carry out such an implant.
- (3) In paragraph (d) of subsection (1), the reference to an entrusted person is to a person who—
- (a) has attained the age of 16 years,
  - (b) has for the time being been entrusted by P with charge of the dog,
  - (c) has been made familiar by P with the requirements of the dog control notice, and

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*Status: This is the original version (as it was originally enacted).*

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- (d) is willing and able to comply with those requirements.
- (4) A dog control notice may specify other steps P is required to take, being steps which in the opinion of the authorised officer—
- (a) must be taken if the dog is to be brought and kept under control, or
  - (b) would be conducive to its being brought and kept under control;
- and in specifying any such step the notice may specify a date by which it is to be taken.
- (5) Subsection (4) is subject to sections 5(6) and 9(4).
- (6) Steps specified by virtue of subsection (4) (or of subsection (6) of section 5 or subsection (4) of section 9) may, without prejudice to the generality of the subsection in question, include any or all of the following—
- (a) muzzling the dog whenever it is in a place to which the public have access,
  - (b) keeping the dog on a lead whenever it is in such a place,
  - (c) if the dog is male, neutering it,
  - (d) keeping the dog away from a place, or category of places, specified in the notice, and
  - (e) P, with the dog, attending and completing a course of training in the control of dogs (being a course which may, but need not, be specified in the notice).
- (7) The Scottish Ministers may by order—
- (a) amend any paragraph of subsection (1) or (6),
  - (b) amend subsection (1) by adding a further requirement, or
  - (c) amend subsection (6) by adding a further example of a step which might be specified in a dog control notice.
- (8) In paragraph (a) of subsection (7)—
- (a) reference to “any paragraph of subsection (1) or (6)” includes reference to any paragraph added by virtue of paragraph (b) or (c) of subsection (7), and
  - (b) the power to amend includes, but only in the case of a paragraph so added, the power to omit.
- (9) A dog control notice must include—
- (a) the date on which it is served and a statement that the notice comes into effect on that date,
  - (b) the name and address of P,
  - (c) a description of, and information regarding, the dog,
  - (d) the reason for the authorised officer concluding that the dog has been out of control (including a description of the circumstances on the basis of which the officer has come to that conclusion), and
  - (e) the information that—
    - (i) section 3 of this Act provides for an appeal against a dog control notice or against a term of such a notice,
    - (ii) section 7 of this Act provides for the discharge or variation of a dog control notice,
    - (iii) section 9 of this Act provides for any dog which continues to be out of control, and
    - (iv) it is an offence under section 5 of this Act to fail to comply with a dog control notice.

- (10) A dog control notice may include such other matter as the local authority think fit provided the inclusion is consistent with any order under subsection (11).
- (11) The Scottish Ministers may by order prescribe a form for a dog control notice.
- (12) Different provision may be made under subsection (11) for different cases or for different classes of case.
- (13) The date mentioned in subsection (9)(a) is referred to in this Act as the “effective date”.