



# Dogs (Protection of Livestock) (Amendment) (Scotland) Act 2021

2021 asp 18

## 4 Powers to authorise entry, search, seizure etc.

(1) For section 2A of the 1953 Act, substitute—

### **“2A Power to authorise entry, search, seizure etc.**

- (1) Subsection (4) applies if, on an application made by a constable, a sheriff or a justice of the peace is satisfied—
  - (a) that there are reasonable grounds for believing that a dog in respect of which an offence under this Act has been committed is on premises specified in the application, and
  - (b) that either subsection (2) or subsection (3) is complied with in relation to the premises.
- (2) This subsection is complied with in relation to premises if—
  - (a) either—
    - (i) admission to the premises has been refused, or
    - (ii) such a refusal may reasonably be expected, and
  - (b) either—
    - (i) notice of the intention to seek a warrant has been given to the occupier of the premises, or
    - (ii) the giving of such notice would frustrate the purpose for which the warrant is sought.
- (3) This subsection is complied with if the premises are unoccupied or the occupier is temporarily absent.
- (4) Where this subsection applies, the sheriff or justice of the peace may issue a warrant authorising a constable to enter the premises (using such force as is reasonably necessary) and to search them in order to—
  - (a) identify the dog,
  - (b) ascertain who is the owner of the dog in the event that no person is present who admits to being the owner or to being in charge of the

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*Changes to legislation: There are currently no known outstanding effects for the Dogs (Protection of Livestock) (Amendment) (Scotland) Act 2021, Section 4. (See end of Document for details)*

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dog, in which case the constable may seize the dog and may detain it until the owner has claimed it and paid all expenses incurred by reason of its detention, and

- (c) examine, seize and detain the dog in order to identify and secure evidence of the commission of an offence under this Act.

(5) A warrant issued under this section shall be authority for opening lockfast places and may authorise persons named in the warrant, or persons carrying out roles specified in the warrant, to accompany a constable who is executing it.

(6) Subsection (3) or, as the case may be, subsection (5) of section 2 of this Act shall apply to any dog seized by a constable under subsection (4)(b) of this section as if the dog had been seized by a police officer under subsection (2) of that section.

(7) Subsection (4) or, as the case may be, subsection (5) of section 2 of this Act shall apply to any dog seized by a constable under subsection (4)(c) of this section as if the dog had been seized by a police officer under subsection (2A) of that section.”.

- (2) After that section, insert—

**“2B Power to have dog examined**

Where a dog has been seized by a constable under section 2(2A) or section 2A(4)(c) of this Act, the constable may, without prejudice to any other power and whether or not in the presence of the owner or person in charge of the dog, arrange for the dog to be examined by a veterinary surgeon, and for the veterinary surgeon to take samples from the dog, for the purposes of identifying and securing evidence of the commission of an offence under this Act.”.

**Changes to legislation:**

There are currently no known outstanding effects for the Dogs (Protection of Livestock) (Amendment) (Scotland) Act 2021, Section 4.