



Control of Dogs (Scotland) Act 2010

2010 asp 9

Service and content of dog control notice

1 Serving of dog control notice

- (1) If—
- (a) it comes to the attention of an authorised officer that a dog has, on at least one occasion after this section has come into force, been out of control, the officer may serve on the proper person a written notice (to be known as a “dog control notice”) requiring the person to bring and keep the dog under control,
 - (b) a court makes a requirement under section 5(4) or a case is remitted under section 9(3), an authorised officer is to serve such a notice (or as the case may be a further such notice) on the proper person.
- (2) It is immaterial, for the purposes of subsection (1)(a), that on the occasion in question (or as the case may be on either, any or all of those occasions) some person other than the proper person was in charge of the dog.
- (3) For the purposes of this Act, a dog is out of control if—
- (a) it is not being kept under control effectively and consistently (by whatever means) by the proper person,
 - (b) its behaviour gives rise to—
 - (i) alarm, or
 - (ii) apprehensiveness,on the part of any individual, and
 - (c) the individual's alarm or apprehensiveness is, in all the circumstances, reasonable.
- (4) The apprehensiveness mentioned in subsection (3)(b)(ii) may be as to (any or all)—
- (a) the individual's own safety,
 - (b) the safety of some other person, or
 - (c) the safety of an animal other than the dog in question.
- (5) In this Act, references to the “proper person”, in relation to any dog, are to—
- (a) its owner (or, if its owner has not attained the age of 16 years, a person who has parental responsibilities in relation to its owner), or

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- (b) if either—
- (i) it is not apparent, after reasonable inquiry, to the authorised officer who the dog's owner (or the person having parental responsibilities in relation to its owner) is, or
 - (ii) it appears to the authorised officer that the circumstances are such that it would not be reasonable to serve a dog control notice on the dog's owner (or on the person having such parental responsibilities),
- any person who has attained the age of 16 years and who appears to the authorised officer to have day-to-day charge of the dog.
- (6) In this Act references to an “authorised officer” are to an officer appointed for the purposes of this Act by a local authority; and each local authority must appoint at least one such officer.
- (7) In appointing any person to be such an officer a local authority are to satisfy themselves that the person is skilled in the control of dogs and has the capacity to instruct and advise others in matters relating to the control of dogs.
- (8) A dog control notice is not to relate to more than one dog.

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