



Hunting with Dogs (Scotland) Act 2023

2023 asp 1

PART 3

FURTHER PROVISION RELATING TO OFFENCES

Court orders

23 Seizure orders where disqualification breached

- (1) Where the court is satisfied that a person who is subject to a disqualification order owns or keeps a dog in breach of the order, the court may make an order (in this Part referred to as a “seizure order”) in respect of any dog which the person owns or keeps in breach of the disqualification order.
- (2) A seizure order may be made—
 - (a) on summary application by a constable or prosecutor,
 - (b) even if proceedings have not been, or are not likely to be, taken against the person for an offence under [section 22\(10\)](#).
- (3) A seizure order is an order—
 - (a) depriving a person of possession or ownership (or both) of a dog, and
 - (b) for—
 - (i) the destruction,
 - (ii) the sale, or
 - (iii) another disposal,of the dog.
- (4) The court may not make—
 - (a) a seizure order which involves the destruction of a dog unless it is satisfied, on evidence provided (orally or in writing) by a veterinary surgeon, that destruction would be in the interests of the dog,
 - (b) any other seizure order unless it has considered the need to ensure the welfare of the dog.
- (5) A seizure order may include—
 - (a) provision—

Status: This is the original version (as it was originally enacted).

- (i) appointing a person who is to secure that the order is carried out,
 - (ii) requiring any person possessing a dog to which the order applies to give it up to a person appointed under [sub-paragraph \(i\)](#),
 - (b) provision authorising—
 - (i) a person appointed under [paragraph \(a\)\(i\)](#), and
 - (ii) any person acting on that person’s behalf,to enter any premises where a dog to which the order applies is kept, for the purposes of securing that the order is carried out,
 - (c) such other provision as the court considers appropriate in connection with the order.
- (6) Provision under [subsection \(5\)\(c\)](#) may in particular—
 - (a) require reimbursement of—
 - (i) any expenses reasonably incurred in carrying out the order,
 - (ii) if the dog was seized by a constable under [paragraph 4\(b\)](#) or [5\(2\)\(b\)](#) of the schedule, any expenses reasonably incurred in relation to it since it was seized,
 - (b) relate to the retention of the proceeds of any sale.
- (7) Before making a seizure order, the court must give the owner of the dog concerned an opportunity to make representations unless it is not practicable for the court to do so.
- (8) In determining whether or how to make a seizure order, the court must have regard to the desirability of—
 - (a) protecting the value of any dog to which the order applies, and
 - (b) avoiding increasing any expenses which a person may be required to reimburse.
- (9) When an application is made under [subsection \(2\)\(a\)](#), the court may make an order under this subsection (an “interim order”) containing such provision as the court considers appropriate in relation to the keeping of a dog until the application is finally determined.
- (10) Subsections [\(5\)](#), [\(6\)\(a\)](#) and [\(8\)](#) apply in relation to an interim order as they apply in relation to a seizure order.