

EXECUTIVE NOTE

THE CONTROL OF DOGS (SCOTLAND) ACT 2010 (PRESCRIBED FORM OF NOTICE) ORDER 2011

SSI 2011/39

The above instrument has been made in exercise of the powers conferred by section 2(11) of the Control of Dogs (Scotland) Act 2010 (asp 9) (“the 2010 Act”) and all other powers enabling the Scottish Ministers to do so, in particular paragraph 10 of Schedule 1 to the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999 (S.I. 1999/1379) which permits powers in an Act of the Scottish Parliament to be exercised, in certain circumstances, before the Act is in force. The instrument is subject to negative resolution procedure under section 17(3) of the 2010 Act.

The Control of Dogs (Scotland) Act 2010

This Act comes into force on 26 February 2011. It is designed to highlight the responsibilities of people who have day-to-day charge of a dog by identifying out of control dogs at an early juncture and providing measures to change the behaviour of these dogs and their owners before the dogs become dangerous.

The provisions in the 2010 Act will widen the scope for local authorities and the courts to take action against persons in charge of a dog where the dog’s behaviour is deemed to be “out of control”. This will be achieved through the creation of a Dog Control Notice (DCN) regime that will permit (local authority appointed) authorised officers to issue DCNs to irresponsible persons in charge of a dog which has been found to be out of control. The DCN can impose a number of conditions on the person in charge of the dog:

- muzzling the dog whenever it is in a place to which the public have access;
- keeping the dog on a lead whenever it is in a place to which the public have access;
- if the dog is male, neutering it;
- keeping the dog away from a place, or category of places, specified in the notice; and
- the person in charge of the dog and the dog attending and completing a training course in the control of dogs.

Once a DCN is in place, an authorised officer can monitor the effectiveness of and enforce the conditions of the notice and if the person in charge of the dog does not take the required steps to comply with the conditions (such as muzzling the dog in public if that is one of the conditions), then a criminal offence has been committed and the person in charge of the dog can be prosecuted.

The Control of Dogs (Scotland) Act 2010 (Prescribed Form of Notice) Order 2011

Policy Objectives

The 2010 Act makes provision in section 2(11) to permit the Scottish Ministers, by order, to prescribe a form for a DCN. The policy objective of the Order is to ensure a consistent approach is taken by local authorities when issuing notices. We wish to assist local

authorities by prescribing the form for the DCN as this will provide clarity about what information needs to be contained within the form and help support smooth implementation of the new dog control notice regime.

Consultation

Local authorities were asked for views during the preparation of this instrument and welcome the use of the Order making power to prescribe the form for DCNs.

Equality Impact Assessments

There are no equality impact issues.

Financial Effects

The instrument is not expected to have any significant financial impact on the Scottish Government, local government or on business. Therefore, there is no requirement for a Business and Regulatory Impact Assessment to be undertaken.

Scottish Government
Justice Directorate
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