



# Dog Fouling (Scotland) Act 2003

## 2003 asp 12

### **1 Offence**

- (1) Subject to section 3, if a dog defecates at any time upon any place to which this Act applies and a person who is in charge of the dog at that time fails immediately to remove the faeces from the place, that person shall be guilty of an offence unless—
  - (a) the person has a reasonable excuse for failing to do so; or
  - (b) the owner, occupier and other person or authority having control of the place has consented (generally or specifically) to the person failing to do so.
- (2) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (3) For the purposes of this section—
  - (a) a person who habitually has possession of a dog shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
  - (b) placing the faeces in a receptacle which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the place;
  - (c) throwing, depositing, dropping or otherwise putting the faeces onto any other place to which this Act applies shall not be sufficient removal from the place; and
  - (d) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces, shall not be a reasonable excuse for failing to remove the faeces.
- (4) In any proceedings for an offence under this section it shall be lawful to convict the accused on the evidence of one witness.