

CONTROL OF DOGS (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 4: Duty of local authority to monitor effectiveness of and to enforce dog control notice etc.

31. **Section 4** places a duty on a local authority to monitor the effectiveness of and enforce all notices issued by authorised officers appointed by them. This will require ongoing monitoring of dog control notices to assess whether the steps specified are effective in bringing the dog under control.
32. Subsection (1)(c) requires local authorities to record and update information in relation to dog control notices as may be required by Scottish Ministers under section 8 of the Act. This information will include reference information relating to the details from the transponder as well as details about P. Under section 8, Scottish Ministers are given the power to set up a Scottish dog control database and to specify the information to be held therein. Subsection (4) gives the Scottish Ministers the power to allow local authorities to share this information with other local authorities, Scottish Ministers and the police and permit access to the information for research purposes prior to the establishment of any Scottish dog control database. This power is by order exercisable by statutory instrument and subject to affirmative resolution procedure (section 17(1) and (2)).
33. Subsection (2) requires that where information is updated under subsection (1)(c), the local authority must advise P. This ensures that P is aware of the detail of all information being recorded about them under the Act.
34. Subsection (3) places a duty on a local authority to cooperate with the police and other local authorities in relation to the control of dogs. This requirement to co-operate extends to matters relating to the control of dogs arising from the Act, the Dogs Act 1906 or the 1991 Act.