

CONTROL OF DOGS (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 9: Dangerous or unresponsiveness dogs

50. This section enables a summary application to be made to the sheriff by the local authority for an order destroying a dog. This is in circumstances where the dog is out of control and dangerous and serving a dog control notice (or further notice) would be inappropriate. It replaces the provisions of the 1871 Act. An application is made by the local authority.
51. Under subsection (2) the sheriff can make an order appointing a person to destroy the dog and requiring that it is handed over for that purpose. If the sheriff refuses to make the order under subsection (2), the sheriff may send the case back to the local authority for a dog control notice to be served (subsection (3)). Such a notice can include steps which the sheriff considers appropriate for P to take for the dog to be brought under control. Subsection (4) makes it clear that these steps replace any which could be specified by the authorised officer under section 2(4).
52. If a destruction order has been made under subsection (2), the court may also order that the owner of the dog be disqualified from owning or keeping a dog (subsection (5)). Further provision on disqualification from owning or keeping a dog is in section 11.
53. Subsection (6) makes it clear that any decision of a sheriff under this section is capable of appeal to the sheriff principal whose decision is final.