

## Points to consider – dog owners

- ⓧ Remember that not everyone is a dog lover. When your dog is off lead, make sure that it doesn't rush up to people without invitation and that it greets them appropriately i.e. it doesn't jump up at them or mouth them etc.
- ⓧ Even if your dog is friendly with other dogs, make sure that you allow it to meet them in a controlled way. If your dog runs up to a frightened or unsociable dog, or behaves in an over excited way, it may cause friction between them which can quickly escalate into something more serious. If in doubt, ask the other dog owner if they are happy for the dogs to meet.
- ⓧ If your dog is on a lead, it may still act in a manner that can cause alarm to people/other dogs. For example, if it lunges at passing dogs it may not be seen as being kept under control. Ensure that you are in control of your dog and work on any behaviour problems so that you do not solely rely on the lead as a restraint. This is particularly the case with extendable leads which enable the dog to be at a greater distance from the owner.

## Points to consider – complainants

If a dog approaches you in a way that makes you feel anxious, there are many things to consider:

- ⓧ Take into account your personal feelings towards dogs. Is your apprehension exacerbated by an existing fear of dogs?
- ⓧ Was the dog's approach intended to be friendly? For example, was it an over excited puppy?
- ⓧ Did the owner attempt to regain control by calling the dog/putting it on a lead?
- ⓧ Did you do anything which may have encouraged the dogs approach/behaviour?

### For more information, contact the Dog Wardens:

By post or in person at County Buildings, Linlithgow, EH49 7EZ

By phone on **01506 282500**

By e-mail on [dogwarden@westlothian.gov.uk](mailto:dogwarden@westlothian.gov.uk)

# Control of dogs

(Scotland) Act 2010



The Control of Dogs Act (Scotland) was brought in to effect on the 26th February 2011. The main aim of the Act is to promote awareness of the responsibility involved in dog ownership.



The Act focuses on the “Deed not the Breed” (dealing with the problem rather than the particular breed of dog) approach in tackling irresponsible ownership. The key aim is to:

- highlight the responsibilities of owners of ‘out of control’ dogs at an early stage; and
- provide the information and assistance needed to change the behaviour of the dog and the owner before the dog becomes dangerous.

This is fundamental in helping reduce the number of attacks by dogs of all breeds. The Act gives new powers to local authorities for action to be taken against out of control dogs and enforce measures to improve any such behaviour.

## When and how is the Act applied?

When an ‘authorised officer’ receives a complaint of an out of control dog, they will take statements from both the person making the complaint, and the dog owner to establish whether the dog was indeed out of control.

## Under the Act, a dog is viewed as being “out of control” if:

- It is not being kept under control effectively and consistently (by whatever means) by the ‘proper person’ who is in charge of the dog, and
- Its behaviour gives rise to alarm, or apprehensiveness on the part of any individual, and the individual’s alarm or apprehensiveness is reasonable. The Act covers incidents which happen on both public and private property/land.

If, after investigation, it is found that the dog was out of control, the owner may be issued with a Dog Control Notice (DCN).



## What is a Dog Control Notice (DCN)?

A DCN is a notice issued to a dog owner whose dog has been found to be ‘out of control’. It outlines the measures the owner must take to make sure the dog is controlled in a manner which ensures the safety of others and prevents further incidents/attacks.

### Measures which may be included are:

- Keeping the dog on a lead in public
- Muzzling the dog in public
- Attending and completing suitable training courses

All dogs issued with a DCN must also be implanted with a microchip.

A DCN is effective from the date it is issued and is specific to each dog.

## How is a Dog Control Notice (DCN) enforced?

Once a DCN has been issued, authorised officers have a duty to check the notice is being complied with. Any further reports of the dog being ‘out of control’ will be investigated.

## Failure to comply with a DCN

Failure to comply with a DCN is an offence and can incur a fine of up to £1,000. A court may also make an order to disqualify a person from

owning or keeping a dog for a period of time. In cases where the court has decided that the dog is dangerous, it may make an order for the dog’s destruction.

## Appealing against a Dog Control Notice (DCN)

Anyone issued with a DCN by the local authority ‘authorised officer’ has a right to appeal. The appeal must be made by summary application to the sheriff. To lodge an appeal, the initial writ must be lodged with the sheriff clerk within 21 days after the date of service of the notice. Where a dog control notice has been issued as a result of court proceedings where a court has ordered that the owner and dog should be subject to a dog control notice, no appeal is possible.

## Dangerous Dogs Act 1991

The police enforce the Dangerous Dogs Act 1991. The act has now been amended so that it covers incidents occurring on private property. (It previously only applied to public places or private places where the dog had no right to be). Any injury sustained by a dog bite/attack must be re-reported to the Police who will investigate the matter under the Act.