
SCOTTISH STATUTORY INSTRUMENTS

2024 No. 70

The Dangerous Dogs (Compensation and Exemption Schemes) (Scotland) Order 2024

PART 3

Exemption schemes

Exemption from the prohibition in section 1(3) of the Act

5.—(1) The prohibition in section 1(3) of the Act does not apply to a dog if paragraph (2), (3) or (4) applies.

(2) This paragraph applies if—

- (a) the Scottish Ministers have issued a certificate of exemption in respect of the dog, and
- (b) the certificate remains valid.

(3) This paragraph applies if—

- (a) an application for a certificate of exemption has been made, and the fee relating to that application has been paid, at or before the relevant time (see article 6(6) or (8)(a)) in respect of the dog, and
- (b) the applicant has not received notification of the determination of the application.

(4) This paragraph applies if—

- (a) an application for a certificate of exemption was made, and the fee relating to that application was paid, at or before the relevant time in respect of the dog,
- (b) the applicant received notification of the refusal of the application on or after 17 July 2024, and
- (c) the applicant received notification of the refusal of the application within the previous 14 days.

(5) For the purposes of paragraphs (3)(b) and (4)(b) and (c), the applicant is presumed to have received notification of the determination of an application no later than 5 days after the date on which that notification was sent.

(6) A certificate of exemption ceases to be valid under paragraph (2)(b) on—

- (a) the failure to comply with any condition attached to the certificate of exemption,
- (b) the date specified in a notice of withdrawal issued by the Scottish Ministers under article 12(2),
- (c) where the original holder of the certificate has died—
 - (i) the date on which a certificate of exemption is issued following an application under article 6(8) in respect of the same dog,
 - (ii) the date on which an application under article 6(8) made at or before the relevant time (see article 6(8)(a)) in respect of that dog is refused by the Scottish Ministers, or

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- (iii) where no such application is made at or before the relevant time, the date which is three months after the original holder's date of death.