



# Control of Dogs (Scotland) Act 2010

## 2010 asp 9

### *Discharge or variation of dog control notice*

#### **6 Discharge or variation of dog control notice at instigation of local authority**

- (1) A local authority may at their own instigation, at any time other than when an application under section 7 is pending—
  - (a) discharge a dog control notice they are monitoring, or
  - (b) on obtaining the agreement of P, amend any such dog control notice.
- (2) On a dog control notice being discharged under paragraph (a) of subsection (1), the local authority are to advise P accordingly.

#### **7 Discharge or variation of dog control notice on application of person on whom it was served**

- (1) P may apply at any time to the local authority which has the duty of enforcing a dog control notice for the notice to be discharged or varied.
- (2) An application under subsection (1) is to contain a written statement as to the grounds on which the application is based.
- (3) The grounds on which an application to discharge the notice may be based are—
  - (a) that the dog to which the notice relates has died,
  - (b) that P no longer has day-to-day charge of the dog,
  - (c) that the dog is no longer out of control, or
  - (d) that the circumstances are otherwise such that it would be unreasonable not to discharge the notice.
- (4) Where the grounds on which the application is based include such grounds as are mentioned in paragraph (b) of subsection (3), the statement must include the name and address of the person who for the time being has day-to-day charge of the dog.
- (5) If the local authority decline to grant the application, P may by summary application appeal to the sheriff.
- (6) The decision of the sheriff on an appeal under subsection (5) is final.

**Changes to legislation:**

There are currently no known outstanding effects for the Control of Dogs (Scotland) Act 2010,  
Cross Heading: Discharge or variation of dog control notice.