

CONTROL OF DOGS (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 11: Disqualification from owning or keeping dog: further provisions

55. **Section 11** makes it an offence not to comply with an order disqualifying a person from owning or keeping a dog under sections 5(2)(a) or 9(5). Prosecution is by summary procedure with the accused liable on conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).
56. Subsections (2) and (3) provide for the procedure should a person wish to apply for discharge of a disqualification order imposed under section 5(2)(a) or section 9(5). The order must have been in force for at least one year and an application is made to the court which imposed the disqualification. Rules of court may specify the manner of appeal.
57. Subsection (4) clarifies that where an application to discharge a disqualification order is refused by the criminal court which made the original order under section 5(2)(a), the applicant can appeal to the High Court of Justiciary.
58. Should the application to discharge the disqualification order originally imposed under section 9(5) be refused, subsection (5) provides for appeal to the sheriff principal. The decision of the sheriff principal is final (subsection (6)).