



# Control of Dogs (Scotland) Act 2010

## 2010 asp 9

### *Appeal against dog control notice*

#### **3 Appeal against dog control notice**

- (1) P may by summary application appeal to the sheriff against (either or both)—
  - (a) a dog control notice served by virtue of paragraph (a) of section 1(1),
  - (b) a term of such a notice;and the decision of the sheriff is final.
- (2) On any such appeal, the sheriff may on the application of P suspend the effect of the dog control notice, or of any term of that notice, pending a decision in the appeal.
- (3) On any such appeal, the sheriff may—
  - (a) uphold or discharge the notice or term appealed against,
  - (b) in the case of an appeal under paragraph (a) of subsection (1), decline to discharge the notice but discharge or vary a term of the notice,
  - (c) in the case of an appeal under paragraph (b) of that subsection—
    - (i) decline to discharge the term appealed against but vary it,
    - (ii) whether or not the term appealed against is discharged or varied, discharge or vary any other term of the notice.
- (4) Without prejudice to the generality of subsection (3), variation of a term of the notice may include (either or both)—
  - (a) specifying a step to be taken by P additional to any specified by virtue of section 2(4),
  - (b) substituting a date for that by which a step is to be taken.

**Changes to legislation:**

There are currently no known outstanding effects for the Control of Dogs (Scotland) Act 2010, Section 3.