



Dogs (Protection of Livestock) (Amendment) (Scotland) Act 2021

2021 asp 18

3 Power to seize etc. dog suspected of attacking or worrying livestock

(1) Section 2 (enforcement) of the 1953 Act is amended as follows.

(2) In subsection (2)—

- (a) after “any land” insert “ (other than premises) ”,
- (b) for “that land, and the land” substitute “ land that ”.

(3) After that subsection, insert—

“(2A) Where in the case of a dog found on any land (other than premises) a police officer has reasonable cause to believe that—

- (a) the dog has been attacking or worrying livestock on land (whether the land on which the dog is found or other land) that appears to him to be agricultural land, and
- (b) it is necessary to seize the dog in order to identify and secure evidence of the commission of an offence under section 1 of this Act,

then the police officer may seize the dog and may detain it for as long as necessary to identify and secure any such evidence.”.

(4) In subsection (3)—

- (a) for “(10)” substitute “ (9) ”,
- (b) for “under the last preceding subsection” substitute “ by a police officer under subsection (2) of this section ”,
- (c) at the end, add “ , subject to subsection (5) of this section ”.

(5) After that subsection insert—

“(4) Subsections (2) to (9) of section three of the Dogs Act, 1906 shall apply in relation to dogs seized by a police officer under subsection (2A) of this section as they apply in relation to dogs seized under subsection (1) of that section, subject to—

- (a) disregarding the words “and paid all expenses incurred by reason of its detention” where they appear in subsection (4) of that section, and

Changes to legislation: There are currently no known outstanding effects for the *Dogs (Protection of Livestock) (Amendment) (Scotland) Act 2021*, Section 3. (See end of Document for details)

(b) subsection (5) of this section.

- (5) The application of section three of the Dogs Act, 1906 to dogs seized under this section is subject to a presumption that, unless there are reasonable grounds to suspect that the dog is dangerous or it is otherwise impracticable to do so, the dog should be sold rather than destroyed.”.

Changes to legislation:

There are currently no known outstanding effects for the Dogs (Protection of Livestock) (Amendment) (Scotland) Act 2021, Section 3.