



# Control of Dogs (Scotland) Act 2010

## 2010 asp 9

### *Failure to comply with dog control notice*

#### **5 Failure to comply with dog control notice**

- (1) If P fails to comply with a dog control notice, then P commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) Where P is convicted of an offence under subsection (1), the court (either or both)—
  - (a) may make an order disqualifying P from owning or keeping a dog during such period as the court thinks fit,
  - (b) where the court considers that the dog in respect of which the offence was committed is dangerous, may make an order—
    - (i) appointing a person to undertake the dog's destruction, and
    - (ii) requiring that it be delivered up for that purpose.
- (3) Whether or not P is so convicted, the court may discharge the dog control notice.
- (4) If the court does so, it may impose a requirement that P be subject to a further dog control notice, served by the local authority.
- (5) Except that subsection (4) does not apply if, in the case of a conviction, an appointment is made under subsection (2)(b)(i).
- (6) In imposing a requirement under subsection (4), the court is to direct that the further dog control notice include (in place of any that might be specified by virtue of section 2(4)) such steps, to be taken by P, as are set out in the direction.
- (7) Where P is convicted of an offence under subsection (1), then for the purposes of any appeal under the Criminal Procedure (Scotland) Act 1995 (c.46) an order under paragraph (a) or (b) of subsection (2) is to be treated as a sentence, as is—
  - (a) any requirement imposed under subsection (4), and
  - (b) any direction given under subsection (6).
- (8) Even where P is not so convicted, P may appeal to the [<sup>F1</sup>Sheriff Appeal Court] against—
  - (a) any requirement so imposed, and
  - (b) any direction so given.

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**Changes to legislation:** There are currently no known outstanding effects for the Control of Dogs (Scotland) Act 2010, Cross Heading: Failure to comply with dog control notice. (See end of Document for details)

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#### Textual Amendments

- F1** Words in s. 5(8) substituted (22.9.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions No. 2\) Order 2015 \(S.S.I. 2015/338\)](#), art. 1, **Sch. 2 para. 12(2)** (with art. 4)

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