



Civic Government (Scotland) Act 1982

1982 CHAPTER 45

PART IX

MISCELLANEOUS AND GENERAL

Miscellaneous

129 Killing of or injury to dogs worrying livestock

- (1) In any civil proceedings in respect of the death of or injury to a dog it shall be a defence to prove—
 - (a) that the person alleged to have killed or injured the dog acted for the protection of any livestock and was a person entitled to act for the protection of that livestock ; and
 - (b) that within forty-eight hours of the killing or injury notice thereof was given by him or on his behalf at a police station or to a constable.
- (2) For the purposes of this section a person is entitled to act for the protection of any livestock if, and only if—
 - (a) the livestock or the land on which it is belongs to him or to any person under whose express or implied authority he is acting ; and
 - (b) the circumstances are not such that the livestock was killed or injured on land on to which it had strayed and either the dog belonged to the occupier or its presence on the land was authorised by the occupier.
- (3) Subject to subsection (4) of this section, a person killing or causing injury to a dog shall be deemed for the purpose of this section to act for the protection of any livestock if, and only if, either—
 - (a) the dog is worrying or is about to worry the livestock and there are not other reasonable means of ending or preventing the worrying ; or
 - (b) the dog has been worrying livestock, has not left the vicinity and is not under the control of any person and there are no practicable means of ascertaining to whom it belongs.

Status: This is the original version (as it was originally enacted).

- (4) For the purposes of this section the conditions stated in either of the paragraphs of the preceding subsection shall be deemed to have been satisfied if the person alleged to have killed or injured the dog believed that the condition was satisfied and had reasonable ground for that belief.
- (5) For the purposes of this section—
- (a) an animal belongs to any person if he owns it or has it in his charge;
 - (b) land belongs to any person if he is the occupier thereof ;
 - (c) " livestock " means cattle, horses, asses, mules, hinnies, sheep, pigs, goats and poultry, deer not in the wild state and while in captivity, pheasants, partridges and grouse; and
 - (d) " poultry " means the domestic varieties of the following that is to say, fowls, turkeys, geese, ducks, guinea-fowls, pigeons and quails.