

DOG CONTROL

The Control of Dogs (Scotland) Act 2010 promotes more responsible dog ownership. It aims to ensure that out of control dogs are brought and kept under control with the overall aim of reducing the number of future dog attacks.



Please note: If a dog is dangerously out of control in any public place (e.g. bites or attempts to bite a person or seriously injures/kills another animal) this should be reported **immediately** to Police Scotland (Tel: 101) for action under the Dangerous Dogs Act 1991.

The Act

The Control of Dogs (Scotland) Act 2010 was introduced to promote responsible dog ownership. It is now an offence for any dog owner to allow their dog to be out of control in such a way as to cause alarm or make another person apprehensive. The Act gives Local Authorities in Scotland new powers to take action against irresponsible dog owners and aims to prevent dogs from becoming dangerous.

How does it work in practice?

The Highland Council has a statutory duty to investigate and record reports of dogs being out of control. A dog would be considered to be “out of control” if:

- ▷ It is not being kept under control effectively and consistently (by whatever means) by the owner who is in charge of the dog AND
- ▷ Its behaviour gives rise to alarm, or apprehensiveness on the part of any individual, and the individual’s alarm or apprehensiveness is reasonable.

If, after investigation, it is found that the dog was out of control the owner will initially be offered corrective advice or in extreme circumstances be issued with a Dog Control Notice.



What is a Dog Control Notice?

A Dog Control Notice (DCN) is a notice that places conditions upon the owner to keep the dog under control to ensure the safety of other people and animals by preventing further incidents.

Typical measures that may be included in a DCN are:

- ▷ Keeping the dog on a lead in public.
- ▷ Muzzling the dog in public.
- ▷ Attending suitable dog training courses.
- ▷ All dogs that become the subject of a DCN must be micro-chipped and registered within 14 days of the date of the DCN.

ENFORCEMENT OF A DOG CONTROL NOTICE

Once a DCN has been issued, authorised officers have a duty to check the notice is being complied with i.e. any reports of the dog being out of control will be investigated.

Failure to comply with a DCN is an offence and if an “out of control” incident is corroboratively witnessed, the dog owner can be reported to the Fiscal, incur a fine of up to £1000 and be disqualified from owning or keeping a dog for a period of time. The dog may also be destroyed.

Dog Owners

Please consider the following points:

- ▷ Remember that not everyone is a dog lover and that some people may be afraid of your dog.
- ▷ Don't let your dog roam unattended as it could do harm to others or itself.
- ▷ If your dog is aggressive or unfriendly to other people or dogs, please ensure that it is kept on a lead at all times.
- ▷ If your dog is on a lead ensure that you have control of it and don't let your dog lunge at other dogs or people.
- ▷ If your dog is let off the lead, ensure that you are able to recall the dog when you need to.



Complainants

Please consider the following points:

- ▷ How do you feel towards dogs? Is the way you feel made worse due to a previously existing fear of dogs?
- ▷ Was the dog's approach intended to be friendly? Was it over excited and just playful?
- ▷ Did the owner attempt to regain control by recalling the dog, by putting it on a lead or by restraining the dog by the collar?
- ▷ Did you do anything that may have encouraged the dog's approach and attention of yourself?

Note: In accordance with current guidance from the Scottish Government, The Highland Council will not notify complainants of any restrictions placed on a dog once a decision is made to issue a DCN.

Stray dogs

If a dog is found to be straying the local authority, wherever possible, will notify the dog warden who may attempt to recover and or identify the dog and its owner. (During out of hours Police Scotland should be the first point of contact).

We urge all dog owners to have their dogs "chipped" to aid identification and recovery of any lost/stray dogs. All dogs should have a collar and ID tag fitted at all times when outdoors. Dog owners can be prosecuted and fined if their dog does not have a proper collar and ID.



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