



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

2021 asp 18

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 24th March 2021 and received Royal Assent on 5th May 2021

An Act of the Scottish Parliament to increase penalties and provide additional powers to investigate and enforce the offence of livestock worrying, and for connected purposes.

1 Offence under section 1 of the 1953 Act: name, definition and penalty

- (1) The Dogs (Protection of Livestock) Act 1953 (“the 1953 Act”) is amended as follows.
- (2) The title of section 1 becomes “ **Offence where dog attacks or worries livestock on agricultural land** ”.
- (3) In that section—
 - (a) in subsection (1), after “a dog” insert “ attacks or ”,
 - (b) in subsection (2), paragraph (a) is repealed,
 - (c) in paragraph (b) of subsection (2A)—
 - (i) after “guide dog” insert “ or other assistance dog ”,
 - (ii) after “hunt” insert “ , but only if and to the extent that the dog is performing the role in question ”,
 - (d) in subsection (4)—
 - (i) before “worrying” insert “ attacking or ”,
 - (ii) before “worried” insert “ attacked or ”,
 - (e) in subsection (6), for paragraphs (a) and (b) substitute—
 - “(a) to imprisonment for a term not exceeding 12 months;
 - (b) to a fine not exceeding £40,000; or
 - (c) both.”.
- (4) In subsection (2) of section 2, before “worrying” insert “ attacking or ”.
- (5) The modification made by subsection (3)(e) applies only to offences committed on or after the date on which the modification comes into force.

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

2 Power to make order in respect of person convicted

(1) After section 1 of the 1953 Act, insert—

“1A Orders in respect of persons convicted of an offence under section 1

- (1) Where a person (P) is convicted of an offence under section 1, the court may make an order—
 - (a) disqualifying P from owning or keeping a dog during such period as the court thinks fit,
 - (b) requiring P, during such period as the court thinks fit, to prevent any dog of which P has charge from going on to land which P knows, or reasonably ought to know, is agricultural land on which livestock is present or is likely to be present, or
 - (c) both.
- (2) Where P is convicted of an offence under section 1, then for the purposes of any appeal under the Criminal Procedure (Scotland) Act 1995 (c.46) an order under subsection (1) is to be treated as a sentence.
- (3) If P fails to comply with an order under subsection (1), P commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) Subsection (5) applies where an order has been made under subsection (1) and at least one year has elapsed since the order was made.
- (5) P may, in such manner as may be prescribed by rules of court, apply to the court which made the order for the order to be discharged in whole or in part, or otherwise varied.
- (6) If the application in respect of an order is refused, in whole or in part—
 - (a) P may appeal to the Sheriff Appeal Court, and
 - (b) no further application in respect of that order shall otherwise be competent unless at least one year has elapsed from the date of the refusal.”.
- (2) The modification made by subsection (1) applies only to offences committed on or after the date on which the modification comes into force.

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—

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- (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
 - (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.”.

4 Powers to authorise entry, search, seizure etc.

- (1) For section 2A of the 1953 Act, substitute—

“2A Power to authorise entry, search, seizure etc.

- (1) Subsection (4) applies if, on an application made by a constable, a sheriff or a justice of the peace is satisfied—
 - (a) that there are reasonable grounds for believing that a dog in respect of which an offence under this Act has been committed is on premises specified in the application, and
 - (b) that either subsection (2) or subsection (3) is complied with in relation to the premises.
- (2) This subsection is complied with in relation to premises if—
 - (a) either—
 - (i) admission to the premises has been refused, or
 - (ii) such a refusal may reasonably be expected, and
 - (b) either—
 - (i) notice of the intention to seek a warrant has been given to the occupier of the premises, or