



DOG INFORMATION

There are a number of issues the Comhairle deals with related to dogs and dog ownership. This leaflet provides advice for dog owners and those affected by dog issues.

DOG FOULING

The problem of dog fouling is not only a nuisance but also a potential danger and health hazard. It is an offence for any person who is in charge of a dog not to immediately remove, and dispose of appropriately, any excrement, if the animal defecates in any public place without reasonable excuse or the consent of the landowner. This includes pavements, footpaths, roads, road verges, parks, recreational pitches, communal land and any open land that the public has access to. Excrement should be picked up and disposed of in a responsible manner by either depositing it in the nearest dog waste bin, litter bin or in your domestic waste at home.

Offenders may be liable to receive a Fixed Penalty of £80, rising to £100 if not paid within 28 days. Authorised Comhairle Officers and Police Officers will issue these Penalties. Offenders can also be reported to the Procurator Fiscal and may be fined up to £500 if convicted. It will also be a criminal offence not to provide your name and address if you are suspected as having committed an offence. Not doing so may result in a £500 fine or conviction.

We recognise that the majority of dog owners already clean up after their dogs. It is the aim of the law to empower local authorities to deal with the antisocial behaviour of the minority of dog owners who do not.

Roundworm (*Toxicara Canis*) eggs contained in dog faeces pose a risk to children if the faeces is not removed. The eggs can survive for up to two years on the ground and although the worm cannot complete its life cycle in a human host, ingested eggs can cause serious conditions, particularly in children. The eggs hatch in the gut and the larvae can migrate to various organs including the liver, eyes and brain. It is estimated that around 100 cases of infection in humans are diagnosed each year. Contagion has been linked to nausea, asthma, epilepsy and in rare cases vision problems.

What can I do about dogs fouling in my area?

If you know the address of the dog owners allowing their dogs to foul without clearing up after them, you can report them to us. The owners of these dogs will be visited with appropriate action being taken against them, where it can be proved that they have allowed their dog to foul. If you do not know the details of the dog owner, you can give us a description and an idea of times the dog is walked. We can then target the area at these times which will give us a better chance of catching offenders.

Dog owners

When walking your dog always take a poop scoop or bags with you. It is your duty as a dog owner to clean up after your dog and dispose of the waste properly. You can use any general waste public litter bin, not just designated dog waste bins. **Never let your dog out alone.**

You can train your dog to foul in your own garden, which makes it easier for you to clean up after it.

To prevent the spread of disease make sure children wash their hands when they have been playing with a dog or somewhere that dogs have been.

Make sure that your dog is given worming tablets regularly in accordance with your vet's instructions as this can help prevent the spread of disease.

Should you witness someone failing to clean up after their dog and you know the owner's details, please report it to the Comhairle.

STRAY DOGS

Straying dogs can cause a number of problems including road accidents, attacks (on people or other animals), fouling of public areas or private gardens, and property damage.

Report it to the Comhairle or the Police who will advise you on course of action.

The Comhairle is normally available between the hours of 9am to 5pm Monday to Friday. Any reports of stray dogs out-with these hours should be made to Police Scotland by calling their non-emergency number 101.

If you have taken possession of a dog out with office hours then you may have to detain it until the next working day unless you can take it to the nearest manned Police Station.

What do I do if I've lost a dog?

Call the Comhairle in the first instance as we may already know where your dog is. Always leave your contact details so that you can be contacted if your dog is found. Also check out the [Services Facebook page](#) as we often post details of any stray dogs. www.facebook.com/ComhairleCES

If out-with office hours it may also be worthwhile contacting Police Scotland by calling their non-emergency number 101.

The Law

The [Environmental Protection Act 1990](#) places a duty on Councils to collect stray dogs. There is no statutory definition of a stray dog, however in most cases it should be evident whether or not there is a person in charge of the dog.

The Comhairle will try to return a dog if its owner can be identified, otherwise it will be taken to kennels. If a dog is a persistent stray and the owner has previously been warned then the dog will normally be taken straight to kennels.

A set fee of £25.00 is payable to reclaim a dog, plus £12.00 (*correct at 2019/20*) for every day or part of a day if the dog has had to be kennelled. All monies must normally be paid before the dog is returned.

Unclaimed dogs must be kept by the Comhairle for seven clear days after which time the dog may be re-homed, given to a dog rescue society or destroyed. The Comhairle tries to ensure that healthy dogs are not destroyed, but this is not always possible.

IDENTIFICATION OF DOGS

Requirement for dogs to wear a collar and tag

The [Control of Dogs Order 1992](#) states that any dog in a public place must wear a collar with the name and address (including postcode) of the owner engraved or written on it, or engraved on a tag. Your telephone number is optional, but is recommended as it would allow anyone finding your dog to call you and reunite you as soon as possible. There are some exemptions for working dogs.

Microchipping

Under The [Microchipping of Dogs \(Scotland\) Regulations 2016](#), keepers are required to have their dog/s implanted with an approved microchip (except if less than 8 weeks old). Keepers also have a legal obligation to ensure that the details registered against the microchip are accurate and updated as required, for example where a keeper's details change or ownership of the dog is transferred to another person.

The new regulations also put a responsibility on breeders and importers to ensure all puppies are microchipped before being sold and moved on to their new homes.

In the event of a keeper failing to comply with the regulations, authorised officers have the power to:

- take possession of a dog for as long as is reasonably required to check whether a compliant microchip has been implanted in the dog;
- and serve a notice requiring compliance within 21 days.

If the notice is not complied with, authorised officers have the power to seize the dog to arrange for a microchip to be implanted in the dog and report the matter to the Procurator Fiscal - this could result in a fine of up to £250.

OUT OF CONTROL DOGS

Do dogs have to be kept on a lead?

The law says that dogs must be kept under control, but does not state dogs must be kept on lead. If a dog responds to the owners commands and is kept close to heel, can lie down or returns on command, the dog would be considered to be under close control. If you're not sure that your dog can do this the responsible thing is to keep them on a lead.

'Out of Control'

Any dog, regardless of its breed, can cause fear and alarm, or even serious injury if its behaviour is 'out of control'. This does not mean that the dog has acted in an aggressive manner, however. What may seem like playful, friendly behaviour to one person, can be quite alarming to another i.e. dog running up uninvited to people/other dogs. Also, an overexcited dog which runs up to a dog which is not confident or sociable with other dogs, can lead to fights. All dog owners have a responsibility to ensure that their dog is under control and does not interfere with other members of the public.

A dog which is out of control is no pleasure for a dog owner, and may cause fear and apprehension in other members of the public or in some circumstances even cause injury to other people or dogs.

The main aim of the [Control of Dogs \(Scotland\) Act 2010](#) is to promote awareness of the responsibility involved in dog ownership.

The Act focuses on the "Deed not the Breed" (dealing with the problem rather than the particular breed of dog) approach in tackling irresponsible ownership. The key aim is to:

- highlight the responsibilities of owners of "out of control" dogs at an early stage; and
- provide the information and assistance needed to change the behaviour of the dog and the owner before the dog becomes dangerous.

This is fundamental in helping reduce the number of attacks by dogs of all breeds. The Act gives powers to local authorities for action to be taken against out of control dogs and enforce measures to improve any such behaviour.

After investigation, a Dog Control Notice (DCN) can be issued to owners of dogs that have been shown to be 'out of control', requiring the owner to modify and manage the dog's behaviour in order to control it in the interest of public safety. The DCN places a statutory duty on dog owners to keep their dog/s under control and may contain a number of measures that the owner is required to implement within a stated timeframe. These measures can include (but are not restricted to):

- Muzzling the dog whenever it is in a public place
- Keeping the dog on a lead
- Having male dogs neutered
- Keeping the dog away from specific environment or specified type of environment
- Undertaking training to modify/control the dog's behaviour

The Act places a statutory duty on the Authorised Officers to monitor any DCNs that have been issued to ensure they are being complied with. Failure to comply with a DCN is a criminal offence and any breaches may be reported to the Procurator Fiscal. The owner may incur a fine of up to

£1,000. In addition the court may make an order to disqualify a person from owning or keeping a dog for a period of time, instruct the Authorised Officer to reissue a new DCN with revised conditions, re-home the dog, or have the dog destroyed.

Any individual who has been caused alarm or apprehension by the behaviour of a dog should report the matter to the Comhairle for further investigation.

DANGEROUS DOGS

The [Dangerous Dog Act 1991](#) makes it an offence for anyone in charge of any type of dog to allow it to be dangerously out of control in a public place, or in a private place where it has no right to be. A person found guilty of an offence may face imprisonment of up to 2 years and/or an unlimited fine. The courts may also disqualify the offender from having custody of a dog for any period as it thinks fit. Any complaint of this nature must be reported to the police who will investigate the matter under the Act.

The [Act](#) also makes it illegal to own, breed from, sell, give away, or have in public without a lead or muzzle certain breeds of dog unless they have an exemption. This can also result in a fine of up to £5,000.

LIVESTOCK AND DOGS

Under the [Animals \(Scotland\) Act 1987](#), a farmer, in some cases has the right to shoot a dog if it is worrying their livestock. Livestock worrying does not necessarily mean a dog has attacked a livestock animal. A dog which gives chase to livestock can cause extreme stress to the animals and sheep which are chased by dogs may miscarry their unborn lambs resulting in further stress to the sheep and losses for the farmer.

It is an offence for a dog to worry livestock on agricultural land under the [Dogs \(Protection of Livestock\) Act 1953](#). Sheep dogs, police dogs, guide dogs, working gun dogs are exempted. Worrying' is where a dog is:

- Attacking livestock,
- Chasing livestock in such a way that it could reasonably be expected to cause injury or suffering or, in the case of females, abortion
- Being at large (i.e. not on a lead or otherwise under close control) in a field or enclosure in which there are sheep.

The keeper of a dog also has civil liability for any damage caused to livestock by it under the [Animals \(Scotland\) Act 1987](#).]

NOISY DOGS

Residents who are upset by noise caused by continual barking of a neighbour's dog(s), either inside or outside their homes, have the right to take action in an attempt to resolve the problem. Please remember that residential properties are seldom designed to be totally sound proof. You may from time to time be able to hear your neighbour's dog(s) barking.

It is normal and natural for dogs to bark and you cannot expect any neighbour's dog to be silent. However, if the noise is so loud, frequent and prolonged as to interfere with your normal activities as an occupier, it is reasonable to expect the dog owner to take steps to address the barking problem. A dog that barks or howls a lot can be extremely annoying to neighbours.

Dog Owners

The constant barking or whining of a dog can be very disturbing or annoying for your neighbours. Often this problem occurs when you are out of the house so you do not realise it is a problem or how bad it is until someone complains. In law a barking dog can be a 'statutory noise nuisance'.

Don't blame the dog and think that you will solve the problem by replacing him with another. All dogs bark and unless you change at the same time, the problem could still be there.

Dogs are not by nature solitary animals, they need the security of a family group. Pet dogs regard their owners as a substitute family and can soon become distressed when left alone. Your dog

may bark because it is lonely, bored, frustrated. It may be seeking attention or defending its territory or it may have a medical problem.

Training is important so that your dog does not bark at anything that moves. A well trained dog should be able to tell the visitors allowed into the house and the people who are intruders. Good training is essential at an early age, this combined with affection and companionship should mean that your dog will not develop these bad habits. Start as you mean to go on.

Some dogs just don't want you to go out. Your dog may get used to the idea if you:-

- Leave at different times of the day and for different periods. That way he might not be so concerned each time you leave. Don't make a fuss of your dog when you leave him.
- Try putting the dog on his own in another room for a few minutes then gradually build up the time you leave your dog alone. Do not return to the dog until he is quiet for a period. When you return praise him.
- Some dogs bark because they want to join in with what is going on outside. If this is the problem, try leaving your dog where he cannot see outside.
- Some dogs will settle if they can hear a human voice, leaving the radio or television on at a low volume may help.
- Try not to leave your dog for long periods. But if you have to, try and organise someone to look in during that time or possibly take the dog for a walk or let them out into the garden. If your garden is secure you may consider fitting a dog door but be mindful of other problems this may cause.

If you do have to leave your dog for long periods:

- Feed and exercise him before you go out and leave fresh water to drink.
- Make sure that the room is not hot or too cold and there is adequate ventilation.
- Make sure his bed or basket is comfortable and not in a draught or direct sunlight.
- Leave a large marrow bone to chew and some favourite toys to play with.
- If you are not returning until after dark, either leave a light on or use a night light that comes on automatically when it gets dark.
- If you leave your dog outside all day with access to a kennel:
- Ensure the garden is completely secure to prevent your dog from straying and causing problems.
- Try not to put the kennel near a neighbour's fence where the dog may be tempted to bark.

Disturbed By A Barking Dog

We always recommend that you raise the problem with your neighbour in normal conversation. Explain how the barking affects you and ask your neighbour if he/she would solve the problem. Often dog owners will not realise that their dog is causing a disturbance. This way, it can be brought to their attention and addressed, without the dog owner feeling they have been complained about to the authorities.

We recognise that this is not always possible, because it may be difficult to approach the dog owner directly. We recommend that you put your concerns down in writing to your neighbour in polite terms; again pointing out that the barking is causing annoyance and requesting that he/she takes action to solve the problem.

You should allow adequate time for your neighbour to consider your request and take appropriate action. You should allow at least 2 weeks before starting to see an improvement. Copies of correspondence should be kept for future reference.

If the dog's owner is unable to resolve the problem and you wish to contact us for help, you will be asked for the following information:

- Your name and address and contact number or email address. (Your details will not be given to the person complained about without your permission). Although we will record the complaint, we will not usually deal with complaints where the complainant will not give us these details. You should also be aware that if the complaint is either dealt with by formal notice or it ends in court action it is likely the offender will know who you are.

- The address where noise is coming from (names and contact phone numbers are very helpful to us if they are available).
- When and for how long noise occurs and the way the noise affects you (you will be asked to complete log sheets)
- Anything you have done to try and deal with the problem (e.g. talking to the dog owner regarding the problem)

Please note that the law means we are unable to take into account particular sensitivities (e.g. light sleeper), or things which don't effect the majority of the public (e.g. shift worker). In order to judge whether barking is causing a problem we must take into account what is unacceptable to the average person. It is also worth noting that exaggeration of the frequency or duration of barking will undermine the credibility of your case at a later date.

It is also important that reporting a barking dog problem is not the result of hostility between two neighbours, a neighbourhood dispute or dislike of a neighbour. Barking nuisance should be considered in isolation from all other matters and making a request to the council should not be used as a form of retaliation against a neighbour.

Whilst we will undertake investigation of all cases reported to us, sufficient evidence needs to be gathered to demonstrate a statutory nuisance in relation to dog barking. This can be a long process and only a very small number of cases will present with enough evidence that an abatement notice can be served. We are also aware that the serving of an abatement notice will not immediately alter the behaviour of the dog and therefore wherever possible will offer training advice and help to dog owners in order to reduce problem barking.

The Law

Under the Environmental Protection Act 1990 it is an offence to cause a statutory nuisance. Where officers have determined that a statutory nuisance exists, the owner of the dog would be served with an abatement notice requiring them to stop the dog causing the nuisance within a set time period. Failure to heed this notice could lead to prosecution.

It is important to understand that not all noises that cause annoyance will constitute a statutory nuisance and that some types of noise are not covered by the Act. In deciding whether statutory nuisance exists, the nature, volume, frequency of occurrence and how often and when the noise occurs all need to be taken into account (occasional or sporadic barking is unlikely to be a statutory nuisance).

In some cases the investigating officer may be sympathetic to the effect the noise is having on you, but cannot take the matter forward as a statutory nuisance and formal action would not be appropriate. In cases where the council does not view there to be a statutory nuisance, you have a right to take your own action through the courts.

Private Action

An individual, but not a local authority, can consider taking formal action under the Civic Government (Scotland) Act 1982. The relevant section of the Act is Civic Government (Scotland) Act Section 49 of which Subsections (2) and (3) state:-

2. A District Court may, if satisfied that any creature kept in the vicinity of any place where a person resides is giving that person, while in that place, reasonable cause for annoyance, make an Order requiring that person keeping the creature to take, within such period as may be specified in the Order, such steps (short of destruction of the creature) to prevent the continuance of the annoyance as may be so specified.

3. An Application to a Justice of the Peace Court for an order under subsection (2) above may be made by any person.

There may be a fee associated with making these applications. You must appear in Court on that day with any witness you may have. It will be up to you to convince the Court that what you say is true. Alternatively, you may employ the services of a solicitor to undertake this on your behalf. The nearest Justice of the Peace courts is in Inverness and for more information of if you wish to proceed you should contact them at:

Sheriff Court House, The Castle, Inverness, IV2 3EG

Tel: 01463 230782,

e-Mail: inverness@scotcourts.gov.uk

DOG BREEDING

The Breeding of Dogs Acts 1973 and 1991 require that a Breeding Establishment must be licensed. A "breeding establishment" applies to any person who carries on a business of breeding dogs with a view to their being sold in the course of such business.

Initial inspections requires a veterinary examination of the breeding dogs.

OTHER DOG LAW

Cruelty

Cruelty cases are investigated by the SSPCA (03000 999 999) or Comhairle nan Eilean Siar.

Road Accidents Involving Dogs

A driver that hits a dog or is involved in an accident involving a dog must report it to the Police as soon as possible and definitely within 24 hours under the [Road Traffic Act 1988](#).

Contact Details

Consumer and Environmental Services

Communities Department, Comhairle Nan Eilean Siar

Sandwick Road, Stornoway, Isle of Lewis, HS1 2BW

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