



LANDSCAPE AND COUNTRYSIDE MANAGEMENT

DEALING WITH DOG NUISANCE

Advisory Leaflet

Should any household be caused annoyance by a dog (or any other creature) then they may make application to the District Court for an Order to prevent the annoyance continuing.

The Civic Government (Scotland) Act, 1982 – Section 49(2) states:

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 the 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.

An application to a District Court for an Order under Section 49 (2) may be made by any person.

Grounds that may be “reasonable cause for annoyance” could include fouling of common stairs and back greens, continual barking at unreasonable hours and aggressive behaviour.

Fouling Public Places is an Offence

Any person who fails to comply with an Order made by the District Court shall be guilty of an offence and liable on summary conviction to a fine of up to £200.

As the offence is absolute it will not be a defence to claim that control was exercised but failed to prevent danger, alarm or annoyance.

If you think that you may be able to have the Court make an Order then a Form of Application may be obtained from :-

**Sheriff Clerk's Office
Sheriff Court House
Court Street
Haddington
EH41 3HN**

Telephone : 01620 822936

An application may be made by more than one person, i.e. several neighbours may apply together.

If you are uncertain as to whether the Court may make an Order then contact a Solicitor.

Further information may be obtained from:-

**East Lothian Council
Dog Warden
Landscape and Countryside Management
Council Buildings
Haddington
EH41 3HA**

Telephone: 01620 827310