



Civic Government (Scotland) Act 1982

1982 CHAPTER 45

PART IX

MISCELLANEOUS AND GENERAL

Miscellaneous

127 Advertising on local authority lands, vehicles etc.

- (1) A local authority may enter into agreement with any person for the display of advertisements on or in—
 - (a) any land, premises or structure vested in or maintained by the authority;
 - (b) any vehicle owned or operated by the authority.
- (2) This section is without prejudice to section 61 of the Town and Country Planning (Scotland) Act 1972 (control of advertisements) or to any regulation made under that Act by virtue of that section.

128 Control of stray dogs

- (1) For the purpose of conferring upon the proper officer of a district or islands council the same powers as those conferred upon a police officer by section 3 of the Dogs Act 1906 (seizure of stray dogs)—
 - (a) the said section 3 shall be amended as follows—
 - (i) in subsection (1) after the word " officer " there shall be inserted the words " or the proper officer of a district or islands council ";
 - (ii) in subsections (2) and (4) after the word " behalf," there shall be inserted the words " or the proper officer of the district or islands council ";
 - (iii) in subsection (6) after the word " area " where it first occurs there shall be inserted the words " and the district or islands council ",

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and for the words " " in that area " there shall be substituted the words " in the police area or, as the case may be, the area of the district or islands council "; and

(iv) for the words from the beginning of subsection (7) to the word " section " there shall be substituted the words " A dog seized under this section shall not be disposed of "; and

(b) at the end of section 4(1) of the said Act of 1906 there shall be inserted the words " but this subsection shall not apply where the finder is the proper officer of a district or islands council ".

(2) For the purpose of extending the powers under section 3 of the Dogs Act 1906 of seizure and detention of stray dogs to those found on land or premises other than highways or places of public resort, the said section 3 shall be amended as follows—

(a) in subsection (1), after the word " resort", there shall be inserted the words " or on any other land or premises ";

(b) after the said subsection (1) there shall be inserted the following subsection—

“(1A) The powers under subsection (1) above shall not be exercised in relation to any dog found on any land or premises other than a highway or place of public resort unless the owner of the land or premises or person having the right of possession thereof has consented to such exercise.”.

(3) Any enactment in any local Act which amends section 3 of the said Act of 1906 or confers powers on a district or islands council in relation to the said section 3 as it applies to the area of the council shall cease to have effect.

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 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

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- (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.
- (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.