



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART IV

#### OFFENCES, POWERS OF CONSTABLES, ETC.

##### *Offences of annoying, offensive, obstructive or dangerous behaviour*

#### **49 Dangerous and annoying creatures.**

- (1) Any person who suffers or permits any creature in his charge to cause danger or injury to any other person who is in a public place or to give such person reasonable cause for alarm or annoyance shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [<sup>F1</sup>level 2 on the standard scale].
- (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 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.
- (3) An application to a district court for an order under subsection (2) above may be made by any person.
- (4) Any person who fails to comply with an order under subsection (2) above shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [<sup>F1</sup>level 3 on the standard scale].
- (5) The fact that there is a licence under the <sup>M1</sup>Dangerous Wild Animals Act 1976 in respect of a creature shall not of itself afford a defence in proceedings under this section relating to that creature.
- (6) Where a court convicts a person of an offence under this section or discharges him absolutely <sup>F2</sup>..., it may, whether or not (in the case of conviction) it imposes a penalty under subsection (1) or (4) above—

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**Changes to legislation:** Civic Government (Scotland) Act 1982, Section 49 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- (a) subject to subsection (8) below, make such order as it sees fit as to the disposal of the creature to which the proceedings relate;
  - (b) authorise a constable, in pursuance of such an order, to take possession of the creature.
- (7) An order under subsection (6) above may, subject to any enactment relating to the protection or conservation of living things, be for the destruction of the creature to which it relates.
- (8) No creature disposed of under an order under subsection (6) above shall be given or sold for the purposes of vivisection.

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#### Textual Amendments

- F1** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G**
- F2** Words in s. 49(6) repealed (1.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), **sch. 2 para. 35(2)**; S.S.I. 2010/413, art. 2, sch. (with art. 3(1))
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#### Marginal Citations

- M1** 1976 c. 38.

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**Changes and effects yet to be applied to :**

- s. 49(6) words repealed by [2010 asp 13 s. 24\(2\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(1)(c) repealed by [2015 asp 10 s. 65\(3\)](#)
- s. 49(9) added by [2010 asp 13 s. 200\(1\)\(b\)](#)