ELIZABETH II



1980 CHAPTER v

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Kirkcaldy District Council. [31st January 1980]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said Order should be confirmed by Parliament: 1936 c. 52.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Confirmation of Order in schedule.

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed.

Short title.

2. This Act may be cited as the Kirkcaldy District Council Order Confirmation Act 1980.

SCHEDULE

KIRKCALDY DISTRICT COUNCIL

Provisional Order to confer powers on the Kirkcaldy District Council with respect to stray dogs; and for other purposes.

Whereas the Kirkcaldy District Council (hereinafter referred to a " the Council ") are vested with all the functions of a district counci
1973 c. 65. by virtue of section 2 of the Local Government (Scotland) Act 197 for the area of the Kirkcaldy district as the said area is described i column 3 of Part III of Schedule 1 to the said Act:

And whereas it is expedient that powers should be conferred upo the Council with respect to the control of stray dogs:

And whereas it is expedient that the other provisions of this Orde should be enacted:

And whereas the purposes aforesaid cannot be effected without a Order confirmed by Parliament under the Private Legislation Procedur
1936 c. 52. (Scotland) Act 1936:

Now therefore in pursuance of the powers contained in the said Ac the Secretary of State orders as follows:—

Short title and citation.

1. This Order may be cited as the Kirkcaldy District Council Orde 1980.

Interpretation.

2. For the purposes of this Order—

" Council " means the Kirkcaldy District Council;

" district " means the Kirkcaldy district.

As to application of section 3 of Dogs Act 1906. 1906 c. 32.

3.—(1) In its application to the district and to the Council section (Seizure of stray dogs) of the Dogs Act 1906 shall be read and hav effect as if the following subsections were substituted for subsections (1 to (7) of that section:—

" (1) Where a police officer or any person duly authorised b the Council for the purposes of this subsection has reason t

believe that any dog is a stray dog, he may seize the dog and may detain it until the owner has claimed it and paid all expenses incurred by reason of its detention.

(2) Where any dog so seized wears a collar having inscribed thereon or attached thereto the address of any person, or the owner of the dog is known, the chief officer of police, or any person authorised by him in that behalf, or the Council, or any person authorised by them in that behalf, as the case may be, shall serve on the person whose address is given on the collar, or on the owner, a notice in writing stating that the dog has been so seized, and will be liable to be sold or destroyed if not claimed within seven clear days after the service of the notice.

(3) A notice under this section may be served either—

(*a*) by delivering it to the person on whom it is to be served; or

(*b*) by forwarding it by registered post or by the recorded delivery service in a letter addressed to that person at his usual or last known place of abode, or at the address given on the collar.

(4) Where any dog so seized has been detained for seven clear days after the seizure, or, in the case of such notice as aforesaid having been served with respect to the dog, then for seven clear days after the service of the notice, and the owner has not claimed the dog and paid all expenses incurred by reason of its detention, the chief officer of police, or any person authorised by him in that behalf, or the Council, or any person authorised by them in that behalf, as the case may be, may cause the dog to be sold or destroyed in a manner to cause as little pain as possible.

(5) No dog so seized shall be given or sold for the purposes of vivisection.

(6) The chief officer of police and the Council shall keep, or cause to be kept, one or more registers of all dogs seized under this section by him or them which are not transferred to an establishment for the reception of stray dogs. The register shall contain a brief description of the dog, the date of seizure, and the particulars as to the manner in which the dog is disposed of, and every such register shall be open to inspection by any member of the public on payment of a fee of ten pence.

(7) A dog seized under this section shall not be disposed of by transferring it to an establishment for the reception of stray dogs unless a register is kept for that establishment containing such particulars as to dogs received in the establishment as are above mentioned, and such register is open to inspection by any member of the public on payment of a fee not exceeding ten pence.".

(2) The Council may appoint such officers as they consider necessary for the discharge of the functions of the Council under this section.

Costs of Order.

4. The costs, charges and expenses of and incidental to the preparing for, obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Council in such manner as they may determine.

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