

Barking Dogs- Remedial Action- Process

Civic Government (Scotland) Act 1982 Section 49(2) DANGEROUS/ANNOYING CREATURE (S)

The above legislation requires that the complainant presents their case to the Justice of the Peace Court, Main Street, Camelon, FK1 4AR.

Accordingly, please find a form of application, requesting a Court Hearing.

This particular piece of legislation concerns “dangerous or annoying creatures”. If a hearing is fixed and sufficient evidence heard, the Court has power to make an Order requiring the owner of the creature to cease the Danger/Annoyance.

When completing the application form, you will be required to complete the full name and address of the dog-owner, as well as completing boxes 1, 2, 3 and 4. Box 4 in particular should give specific details of the danger/annoyance being caused.

It is recommended that you consult a Solicitor when completing the application form, particularly Box 4. Legal Aid is not available for this type of case; therefore a Solicitor may not be eligible for the Legal Advice and Assistance Scheme in completing the form itself. You should be prepared to bring witnesses to Court to substantiate your claim.

Should you require any further information in respect of this process please contact Clerk to the Justice of the Peace Court, Tel 01324 678211.

Please find an **example application below for guidance on completion and a blank application form for completion.**

**IN THE JUSTICE OF THE PEACE COURT FALKIRK
APPLICATION
UNDER
THE CIVIC GOVERNMENT (SCOTLAND) ACT, 1982
SECTION 49(2) AND (3)
I.C
EXAMPLE**

COMPLAINER: MR SMITH

Against

RESPONDENT: MR JONES

Humbly Sheweth:

1. That MR SMITH

Is resident at: 1 ANY STREET

2. That MR JONES

Occupies premises at: 2 ANY STREET

Being in the vicinity of: 1 ANY STREET

3. That at the said premises:
2 ANY STREET

Keeps a:
(TYPE OF CREATURE)

4. DETAIL COMPLAINT

At the Sheriff Courthouse, Justice of the Peace Court
Main Street Camelon
In the presence of
Justice.

May it therefore please the court to order service of a
copy of this application upon the said

The Court appoints the parties to attend at the Sheriff
Courthouse Justice of the Peace Court Main Street
Camelon

To fix a date for the hearing of this application not
earlier than 14 days after such service and thereafter
to make an Order upon the said

On:

To take within such period as may be specified
in the Order such steps

At:

(Short of destruction of the creature) as may be so

For the hearing of this application and orders service of
a copy of the application on the respondent.

Specified to prevent the continuance of the annoyance

(signed)

(complainer, or his solicitor, name,
Address, Tel. No.)

IN THE JUSTICE OF THE PEACE COURT FALKIRK
APPLICATION
UNDER
THE CIVIC GOVERNMENT (SCOTLAND) ACT, 1982
SECTION 49(2) AND (3)
I.C

COMPLAINER:

Against

RESPONDENT:

Humbly Sheweth:

1. That Is resident at:

2. That Occupies premises at:

Being in the vicinity of:

3. That at the said premises: Keeps a:

4.

At the Sheriff Courthouse, Justice of the Peace Court
Main Street Camelon
In the presence of
Justice.

The Court appoints the parties to attend at the Sheriff
Courthouse Justice of the Peace Court Main Street
Camelon

On:

At:

For the hearing of this application and orders service of
a copy of the application on the respondent.

May it therefore please the court to order service of a
copy of this application upon the said

To fix a date for the hearing of this application not
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(Short of destruction of the creature) as may be so
Specified to prevent the continuance of the annoyance.

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(complainer, or his solicitor, name,
Address, Tel. No.)