



Friends of Duchess Wood

Registered Scottish Charity No. SC039527

4th May 2014

Discussion paper by the Friends of Duchess Wood for the meeting of the Duchess Wood Local Nature Reserve Committee to be held on 20th May, 2014.

DOG CONTROL

A few (but thankfully only a few) instances of failure of dog control have arisen in Duchess Wood. This note is to ask the DWLNRC to confirm or refute the understanding of FODW on the matter. To do so, we quote the law and it would be greatly appreciated if it is possible for the A&BC legal department to comment on our understanding before the DWLNRC meeting on 20th May to assist discussion.

It is our understanding that the basic concept is that dog owners carry responsibility for the behaviour of their dog(s) and that when owners get other people to walk their dog(s) then both the owner and the walker (whether a commercial dog-walker or a volunteer) are responsible for control of the dog(s).

Examples of problems are :

- when a dog shows aggression to a person or to another dog – or causes concern
- when a dog chases wildlife or livestock
- when a dog behaves in any way that disturbs the recreation of any other woodland user
- when a dog runs into traffic on a street or onto the railway line
- when a dog runs onto a sports pitch when a game is in progress
- when the dog walker fails to pick up faeces if the dog defecates in a public place.

It seems to us that the situation is clearly laid out in :

The Scottish Outdoor Access Code, sections 3.53 to 3.56. The foundation message is "In exercising access rights, you must keep your dog(s) under proper control" and the examples above are mostly based on the examples given in the code.

The Land Reform Act (Scotland) 2003. According to section 9(d) of the Act, anyone who fails to keep a dog under proper control can be excluded from access rights.

The question then arises : What should the Duchess Wood Local Nature Reserve Committee or the Friends of Duchess Wood do? We suggest the following.

1. At no point take on responsibility for the behaviour of dogs.
2. Include in the new FODW notice boards a reminder of dog owners' responsibility.

3. Occasionally include a small piece in the FODW newsletter about keeping dogs under proper control.
4. Without taking responsibility for the dogs, try to repair or close gaps in fencing that has been erected by the DWLNRC / A&BC / FODW.
5. If a really serious incident occurs, inform the police.

An example of number 4 has been the wooden fence which, very sensibly, was constructed many years ago at the end of the Scots Pine route where it comes down to Rhu Road Higher. This was to prevent children or dogs running into the road. The FODW has repaired this fence several times. However, fencing erected by others should be left to those others to maintain.

If A&BC could comment on the legal situation and if the matter could be discussed at the DWLNRC meeting, that would be appreciated.