



ENVIRONMENTAL HEALTH

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Opening hours:

Monday to Thursday: 08:45 am – 4.45 pm

Friday: 08:45 am – 4.00 pm (telephone calls and email only)

respect

Is the noise of

Barking

driving you

Mad



GUIDANCE NOTES ON COMPLETION OF COURT PROFORMA FOR DOG

These notes are designed to help you complete a Petition to the Justices Of The Peace Court in Respect of Section 49 of the Civic Government (Scotland) Act 1982. The form of petition uses some necessary legal language. To help you understand all aspects of the form the following words are explained below:

The Complainer described in the form is yourself or any neighbour etc. making the petition with you.

The Respondent is the person about whom you are complaining i.e. the owner or keeper of the dog.

Premises in this petition refers to the home address of the dog owner.

Your task in preparing the petition and presenting it to the Justices Of The Peace Court is to prove to a Justice of the Peace that the dog in question is causing you annoyance. Section 4 of the petition form enables you to give the details of the circumstances, which are causing annoyance. You are not required to include the proforma included in this pack but your petition must follow this layout. If you have a lot of information that will not all fit into the allocated space in section 4 you will need to write out your own petition in the same format as that given.

You should make a copy of your petition and then send the original to: Justices Of The Peace Court, Sheriff Clerk's Office, Sheriff Court House, Wellington Square Ayr, KA7 1EE .

Current Petition Fee and Payment Methods can be found at <https://www.scotcourts.gov.uk/rules-and-practice/fees/j-p-court-fees>

WHAT HAPPENS WHEN I HAVE SUBMITTED MY FORM TO THE JUSTICES OF THE PEACE COURT?

The court will notify you when a date and time has been set for your hearing. It will advise you that you will require to attend the hearing to present your case. If you intend to provide witnesses to support your petition then they must be present in court for that date and time.

The Court Will Provide You With

1. An Order of Court Fixing a Hearing. You must send a copy of this together with a copy of your original petition to the respondent.
2. A citation for the respondent requiring them to attend court.

You must complete this citation by filling in the name of the respondent, the date and signing it. Send it together with the aforementioned Order and Petition to the respondent at least 14 days before the hearing date by recorded delivery and first class post in the court envelope provided. This ensures that should there be a problem with the postal service, the Post Office will return the documentation directly to the Court.

When you have done this you will require to return your original petition to the court with the recorded delivery slip, proving that you posted the order, petition and citation to the respondent. This recorded delivery slip should be firmly attached to the citation. These documents should be returned to the court either by recorded delivery and first class post or in person by you.

You should note that:

Any party involved in this procedure may consult or be represented by a Solicitor. This will probably involve expense to that party as legal aid will not be granted. The court cannot award expenses to either party.

There is no right of appeal from the decision of the Court in respect of the petition.

Should the Court find in your favour and grant an Order against the respondent with which they then fail to comply, the respondent will be prosecuted and if convicted may be fined up to £1000.

What Evidence Can I Present In Court?

- Witnesses e.g. neighbours, visitors to your home who can give details of the level, times and duration of dog barking.
- Audio tapes or video recordings
- A diary of the times the dog was heard barking

IN THE J.P. COURT OF SOUTH STRATHCLYDE, DUMFRIES & GALLOWAY

APPLICATION UNDER The Civic Government (Scotland) Act 1982 Section 49(2) and (3)

in causa
(a) *Mr John Smith* COMPLAINER (b) *Mr Joseph Bloggs* RESPONDENT
against

HUMBLYSHEWETH

1. That (a) *Mr John Smith*..... Is resident at
(c) *1005 High Street Ayr*.....
2. That (b) *Mr Joseph Bloggs*.....occupies premises at
(d) *1007 High Street Ayr*.....
being in the vicinity of (c) *1005 High Street Ayr*.....
3. That at said premises (b) *Mr Joseph Bloggs*.....keeps (e).....*Two black Labrador dogs within a kennel in the back garden of his home.*
.....
4. (f) *The dogs bark continuously during the day while Mr Bloggs is at work and there is no one else at home*.....
.....

May it therefore please the Court to order service of a copy of the application upon the said Respondent; 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 Respondent to take within such period as may be specified in the Order such steps (short of destruction of the creature) as may be so specified to prevent the continuance of the annoyance.

Signed *Mr John Smith*.....

Name and Address *1005 High Street Ayr*.....

Telephone *01292 079777*Complainer/Agent

Notes:

- (a) Your name and designation.
- (b) Name and designation of person having the creature in his/her charge.
- (c) Your address.
- (d) The address of (b).
- (e) Type of creature and describe the circumstances in which said creature is kept.