The basic point that I wish to make is that there is absolutely no purpose reforming or even having legislation in the first place if those charged with its enforcement fail to understand their powers / duties or appear to regard most dog bites as trivial or a waste of their valuable resources. I make this assertion based on my own experience of a dog attack and the follow up I received from Scottish Borders Council and Police Scotland. I set out the details below in the event that they are of any assistance to the Committee in its deliberations.

I had the misfortune to be bitten by a dog on the afternoon of 14 March 2018. I was walking home along a public right of way on the outskirts of Eyemouth and was perhaps 10m beyond the property in which the dog lives when I was attacked. The dog, a border collie had been ‘aggressive’ before but was always kept on the end of a chain. Although I don’t know much about dogs or dog breeds it always occurred to me it was wholly inappropriate to keep a working dog such as a border collie on the end of a chain and employed as security to deter anyone from going close to his / her master’s property. On the 14 March the dog was not restrained and, with another dog, ran out of the property and bit me. The bite, to my right calf, required attendance at a Minor Injuries Unit where the wound was cleaned, paper stitches applied, antibiotics prescribed and an anti-tetanus injection given. I have photographs of the wound before and after it was treated.

After ‘sleeping on the matter’ I decided that, in the interests of public safety (I have a granddaughter and my calf could have been her neck or face), I would report the matter. It appeared to me that my obvious port of call was the Police. The incident was logged and I was told that it would be followed up. On the afternoon of 15 March I was visited at home by two officers and basically told that, in their opinion, the matter was more appropriately dealt with by The Dog Control Officer at Scottish Borders Council, and with my agreement the matter would be so referred. It did occur to me that this was a clear indication that the incident (and the risk to public safety in the meantime from a dog by definition ‘out of control’) was not being given the regard it warranted but did I have any choice? My impression was that the Police regarded the matter as trivial and did not want to be bothered or even perhaps know what to do.

I was subsequently contacted by the Council’s Dog Control Officer (a part time appointment) and told that in her opinion the matter was serious and should be dealt with by the Police who hold all the necessary powers. At this point I made it clear to the Police and to the Council that I was not very happy at my concerns being bounced from one office to another whilst the danger was still present. I referred to the Council’s ‘Responsible Dog
Ownership Strategy Action Plan 2015-18’ and the claim that the Council was supposed to have established working relationships with the Police. I gave a statement to the Police on 27 March and was subsequently informed that that the dog owner had been visited and a report would be submitted to the Procurator Fiscal for consideration. The owner was apparently ‘very apologetic’ (to the Police but he never apologised to me) and said that he was considering having the dog put down. I wanted the dog made safe not put down unless that was the only option.

I still walk the same route (taking great care!) and the dog is still there albeit chained up. Despite requests for an update on progress with the Procurator Fiscal the Police have not replied.

My encounter with ‘officialdom’ left me feeling that neither the Council nor the Police were clear about their roles, responsibilities or powers. I had the distinct feeling that I was a pest who should have better things to do than waste scarce resources. My concerns regarding public safety remained however and were not alleviated when I was told by a member of the public that the dog had bitten before. So, I decided that I would pursue a personal injury claim and this is ongoing. My solicitors seem confident at my prospects of success and are happy to proceed on a no win, no fee basis.

I would wish to stress that I am not anti dog or anti responsible dog ownership. I do not however believe that it is right that there is apparently ‘one law’ for dogs and dog owners and one law for the rest. There definitely seems to be a view among certain dog owners that all their dogs are cute, loveable and adorable and the rest of society should feel the same way whether the dog bites, fouls the pavement (the DNA of every dog should be taken so that dog fouling laws can be properly enforced) or just generally annoys.

I hope that the above is of some assistance. If I can provide any further information I would be happy to do so.