

Maj-Britt Hastrup

MAR

Fra: Jakob Rosenberg Nielsen [jakoni@um.dk]
Sendt: 21. oktober 2009 11:58
Til: Michelle Argir; London, Archive
Cc: Justitsministeriet; Anna Cecilie de Klauman; Thomas Lehmann; Flemming Stender; Mikael Ekman; Jakob Rosenberg Nielsen; Christian Thorning
Emne: LONDON: Britisk lovgivning om farlige hunde

Ambassaden London, den 21. oktober 2009
 j.nr. 46.STB.3.

Lovgivning om farlige hunde: Svar fra UK
 Ref.: EUK j.nr.3.ø.73

Ambassaden har modtaget følgende præciseringer vedr. den britiske lovgivning om farlige hunde.

Ambassaden i London/ Christian Thorning og Jakob Rosenberg Nielsen

From: Benneworth, Mark A (AW) [mailto:Mark.Benneworth@defra.gsi.gov.uk]
Sent: 21 October 2009 10:01
To: Jakob Rosenberg Nielsen
Cc: Hall, Peter R (AW)
Subject: FW: Inquiries about dangerous dogs in UK

Jakob,

Where dogs are found to be of a prohibited type, but otherwise pose no threat to public safety, then courts have the option of allowing the dog to be added to the Index of Exempted Dogs. This index contains the details of dogs that have been exempted from the general ban on those dogs. In the last couple of years, there has been around 300 dogs added per year to the Index at the direction of a court. However, this figure does not include those dogs that a court has found to be a prohibited type but not suitable to be added to the Index, and does not include figures for those dogs found not to be a prohibited type. These figures are not held centrally. However, we do know that owners have satisfied courts that a dog isn't a prohibited type.

Mark

From: Jakob Rosenberg Nielsen [mailto:jakoni@um.dk]
Sent: 20 October 2009 15:46
To: Benneworth, Mark A (AW); London, Archive
Cc: Christian Thorning
Subject: RE: Inquiries about dangerous dogs in UK

Dear Mark

I am sorry for contacting you again, but I have just received a phone call from Denmark concerning the answers you gave below.

I hope that you have the time to elaborate one of your answers.

I it regarding bullet nr. 4 about the court cases.

Justitsministeriet
 Dato- og sagskontoret

2009 NR. 5130-0159

22-10-2009

Akt.nr. 40

The two new questions are

- Approximately how many court cases is there a year where the dog owner has to prove if the dog is prohibited or not.
- Has it ever happened that the dog owner has satisfied the burden of proof that the dog is not prohibited.

Once again thank you very much for your help

Yours sincerely

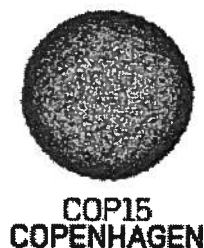
Jakob Nielsen

JAKOB ROSENBERG NIELSEN / JAKONI@UM.DK
TRAINEE - INTERN / POLITICAL AND EUROPEAN SECTION
DIRECT +4402073330215

DANISH EMBASSY, LONDON
55 SLOANE STREET / SW1X 9SR LONDON
PHONE +44 (0) 20 7333 0200 / WWW.AMBLONDON.UM.DK



Please consider the environment before printing this message



UNITED
NATIONS
CLIMATE
CHANGE
CONFERENCE
2009

From: Benneworth, Mark A (AW) [<mailto:Mark.Benneworth@defra.gsi.gov.uk>]
Sent: 16 October 2009 14:45
To: Jakob Rosenberg Nielsen
Cc: Hall, Peter R (AW)
Subject: FW: Inquiries about dangerous digs in UK

Jakob,

Please see answers in red.

Mark

From: Jakob Rosenberg Nielsen [<mailto:jakoni@um.dk>]
Sent: 16 October 2009 12:27
To: Benneworth, Mark A (AW)
Cc: Christian Thorning; London, Archive

22-10-2009

Subject: Inquiries about dangerous dogs in UK

Dear Mark,

I am sorry that I contact you again, but Copenhagen wants some more information about the Dangerous dog in the UK because it is highly political debated in Denmark.

I know that you have already answered some of the questions but I hope you have the time to answer them again.

They would like the following questions answered.

- What is Defra's general experience with the Dangerous Dogs Law? Our view is that the law we have in place is generally sound. However, we do recognise that the law has not always been enforced as rigorously as it could. It is important that police forces are equipped with sufficient officers who have a good working knowledge of the law. We have recently provided funding to the police to assist in training more officers in dangerous dogs law. We believe that proper enforcement of the law is very important.
- What is Defra's experience with the ban on Pit bull terrier, Tosa, Dogo argentino and Fila brasileiro? Our view is that prohibition has been a success. To remove the prohibition on these dogs would, we believe, expose the public to a higher risk of injury. It is the view of the police that without the prohibition on Pit Bull terrier type dogs there would have been more dog attacks. It is also the view of some welfare groups that the prohibition of Japanese Tosas, Dogo Argentinos and Fila Brasileiros has helped stop those types of dog becoming established in this country.
- How is the procedure in cases where the dog is a hybrid? (a cross-breed of ex. a Pit bull terrier and a Rottweiler) It is important to recognise that that dogs prohibited are not recognised breeds in this country, they are types of dog. Therefore the law does not only apply to 'pure' Pit Bull terriers but also to any dog with the characteristics of a prohibited dog. Whether the ban applies to an particular cross will depend on whether the resulting dog is of the prohibited type – i.e. whether it has the physical and behavioural characteristics of a prohibited type.
- How is it possible for the dog-owner to prove that the dog is not a banned dog? (ex. if the dog is an American Staffordshire terrier that looks like a Pit bull terrier). If the dog has the characteristics of a prohibited type then a court is likely to find that the dog is a prohibited type, irrespective of what the dog is called. Terms such as American Staffordshire Terrier is a name often used to describe a dog which is a Pit Bull type dog. Dog-owners can use an expert witness and/or detailed and comprehensive breeding documentation to attempt to show that the dog is not of a prohibited type, but it is ultimately for a court to decide if the dog is a banned dog.

How many cases occur on a yearly basis? We're not sure what cases you are referring to here? The Dangerous Dogs Act 1991 covers all types and breeds of dog, not just those types of dog that have been prohibited.

And what has been the outcome?

- What were the reasons for publishing "The Dangerous Dogs Law – Guidance for Enforcers" in March 2009? As a result of consulting police forces in 2007 it became apparent that while the law was generally sound, knowledge of the law was not consistent across the country. The Guidance is aimed to help police forces across the country better understand all the relevant laws on dangerous dogs and to assist with the identification of banned dogs.

Thank you very much for your help

Yours sincerely

Jakob Nielsen

22-10-2009

JAKOB ROSENBERG NIELSEN / JAKONI@UM.DK
TRAINEE - INTERN / POLITICAL AND EUROPEAN SECTION
DIRECT +4402073330215

DANISH EMBASSY, LONDON
55 SLOANE STREET / SW1X 9SR LONDON
PHONE +44 (0) 20 7333 0200 / WWW.AMBLONDON.UM.DK



Please consider the environment before printing this message



UNITED
NATIONS
CLIMATE
CHANGE
CONFERENCE
2009

Department for Environment, Food and Rural Affairs (Defra)

This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender.

Whilst this email and associated attachments will have been checked for known viruses whilst within Defra systems we can accept no responsibility once it has left our systems.

Communications on Defra's computer systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.

Michelle Argir

Fra: Michelle Argir

Sendt: 16. oktober 2009 11:12

Til: 'mikaek@um.dk'

Cc: Michelle Argir

Emne: SV: Instruktion: Anmodning om indberetning vedr. lovgivning om farlige hunde

Kære Mikael

Spørgsmål til de britiske myndigheder:

1. What is Defra's general experience with the Dangerous Dogs Law?
2. What is Defra's experience with the ban on Pit bull terrier, Tosa, Dogo argentino and Fila brasileiro?
3. How is the procedure in cases where the dog is a hybrid? (a cross-breed of ex. a Pit bull terrier and a Rottweiler)
4. How is it possible for the dog-owner to prove that the dog is not a banned dog? (ex. if the dog is an American Staffordshire terrier that looks like a Pit bull terrier). How many cases occur on a yearly basis? And what has been the outcome?
5. What were the reasons for publishing "The Dangerous Dogs Law – Guidance for Enforcers" in March 2009?

Spørgsmål til de spanske myndigheder:

1. What is the general experience with the dangerous dog legislation?
2. What is the experience with the Spanish ban on Pit bull terrier, Tosa, Dogo argentine, Fila brasileiro, American staffordshire terrier, Staffordshire bull terrier, Rottweiler and Akita inu?
3. How is the procedure in cases where the dog is a hybrid? (a cross-breed of ex. a Pit bull terrier and a German shepherd)
4. How is it possible for the dog-owner to prove that the dog is not a banned dog? (ex. if the dog is not a banned dog, but it looks like one). How many cases occur on a yearly basis? And what has been the outcome?
5. What is the procedure in cases where a person buys a puppy in good faith and the dog later on develops physical characteristics as mentioned in annex II?

Mvh
Michelle

Fra: Mikael Ekman [mailto:mikaek@um.dk]

Sendt: 15. oktober 2009 14:22

Til: Michelle Argir

Emne: VS: Instruktion: Anmodning om indberetning vedr. lovgivning om farlige hunde

Kære Michelle,

Ambassaden i London anmoder om fra København at modtage de præcise spørgsmål **på engelsk**, som ambassaden herefter vil videreformidle til besvarelse hos relevante britiske myndigheder. Samme fremgangsmåde vil formentlig være hensigtsmæssigt ift. spanske myndigheder.

Kan du hjælpe med dette? Send gerne til mig. Så formidler jeg videre.

Mvh
Mikael

MIKAEL EKMAN / MIKAEK@UM.DK
FULDMÆGTIG / EU-KOORDINATION
DIREKTE +45 3392 0411 / MOBIL +45 5087 6600

Justitsministeriet
Dyrevelfærdskontoret

Akt.nr. 148.

2009 NR.5430 · 0159

16-10-2009

UDENRIGSMINISTERIET
ASIATISK PLADS 2 / DK-1448 KØBENHAVN K
TLF. +45 3392 0000 / WWW.UM.DK

From: Mikael Ekman
Sent: 15 October 2009 09:01
To: London; Madrid
Cc: Jakob Rosenberg Nielsen; Morten Skovgaard Hansen; mar@jm.dk; Anna Cecilie de Klauman; Thomas Lehmann; Flemming Stender
Subject: Instruktion: Anmodning om indberetning vedr. lovgivning om farlige hunde

INSTRUKTION: Anmodning om indberetning vedr. lovgivning om farlige hunde i hhv. Storbritannien og Spanien.
EUK j.nr. 3.Ø.73.

Ambassaderne i London og Madrid anmodes hermed om at søge besvarelse hos relevante myndigheder af vedlagte instruktion fra Justitsministeriet vedr. lovgivning om farlige hunde.

Indberetningen bedes sendt til mar@jm.dk med kopi til jm@jm.dk; anklau@um.dk; tholeh@um.dk; fleste@um.dk; mikaek@um.dk senest d. **28. oktober 2009**.

Med venlig hilsen,

Mikael Ekman

MIKAEL EKMAN / MIKAEK@UM.DK
FULDMÆGTIG / EU-KOORDINATION
DIREKTE +45 3392 0411 / MOBIL +45 5087 6600

UDENRIGSMINISTERIET
ASIATISK PLADS 2 / DK-1448 KØBENHAVN K
TLF. +45 3392 0000 / WWW.UM.DK

Akt.nr. 149



JUSTITSMINISTERIET

Civil- og Politiafdelingen

Udenrigsministeriet
Asiatisk Plads 2
1448 København K

13 OKT. 2009

Dato:
Kontor: Dyrevelfærdskontoret
Sagsbeh: Michelle Argir
Sagsnr.: 2009-5430-0159
Dok.: MAR40712

Til brug for drøftelserne i regeringens Udvalg om hunde skal Justitsministeriet anmode om en supplerende udtalelse om de britiske myndigheders erfaringer med lovgivningen om farlige hunde.

Justitsministeriet har tidligere gennem den danske ambassade i London modtaget oplysninger om retstilstanden i Storbritannien på dette område. Der henvises til vedlagte e-mails af 30. september 2008, 14. maj 2009 og 2. oktober 2009.

Udtalelsen bedes indeholde oplysning om de britiske myndigheders generelle erfaringer med lovgivningen om farlige hunde. Det ønskes endvidere oplyst, hvilke erfaringer de britiske myndigheder har med forbudet mod pit bull terrier, tosa, dogo argentino og fila brasileiro, herunder hvordan sager med hunde, der er krydsninger af de nævnte racer behandles og hvordan ejeren af en sådan hund i tvivlstilfælde kan løfte bevisbyrden for, at hunden ikke er en ulovlig type. Det ønskes endvidere oplyst, hvor mange sager, der har været om dette spørgsmål, og hvordan disse sager er endt. Endelig ønskes det oplyst, hvad baggrunden var for udgivelsen af vejledningen "Dangerous Dogs Law – Guidance for Enforcers" i marts 2009.

Justitsministeriet skal anmode om at modtage udtalelsen snarest belejligt og **senest den 28. oktober 2009.**

Slotsholmsgade 10
1216 København K.

Telefon 7226 8400
Telefax 3393 3510

www.justitsministeriet.dk
jm@jm.dk

Eventuelle spørgsmål kan rettes til fuldmægtig Michelle Argir på telefonnummer 0045 72268544. Udtalelsen bedes sendt til mar@jm.dk med kopi til jm@jm.dk.

Med venlig hilsen


Cristina A. Gulisano

Michelle Argir

Fra: Jakob Rosenberg Nielsen [jakoni@um.dk]

Sendt: 2. oktober 2009 10:32

Til: Michelle Argir

Emne: RE: Erfaringer med forbud mod bestemte hunderacer i Storbritannien og Spanien

Kære Michelle,

Denne mail er desværre ikke gået ud af min sendte mails men her får du den.

Mvh
Jakob

From: Jakob Rosenberg Nielsen

Sent: 30 September 2009 15:31

To: London; London, Archive

Cc: Christian Thorning

Subject: RE: Erfaringer med forbud mod bestemte hunderacer i Storbritannien og Spanien

Kære Michelle

Som svar på din forespørgsel fremsendes hermed en mail fra Mark Benneworth fra Animal Welfare Teamet i Department for Enviromental, Foreign, Food and Rural Affairs.

Mvh
Jakob Nielsen

JAKOB ROSENBERG NIELSEN / JAKONI@UM.DK
TRAINEE - INTERN / POLITICAL AND EUROPEAN SECTION
DIRECT +442073330215

DANISH EMBASSY, LONDON
55 SLOANE STREET / SW1X 9SR LONDON
PHONE +44 (0) 20 7333 0200 / WWW.AMBLONDON.UM.DK



Please consider the environment before printing this message

Jakob,

As requested, I have inserted answers to your questions. I trust that these are satisfactory, but please let me know if you need any further information.

Mark Benneworth
Animal Welfare Team
Defra

From: Jakob Rosenberg Nielsen [mailto:jakoni@um.dk]

Sent: 29 September 2009 11:19

06-10-2009

To: Benneworth, Mark A (AW); London, Archive
Cc: Christian Thorning
Subject: Inquiries about dangerous dogs in UK

Dear Mark

Thank you for your help.

As I told you on the phone I have a few questions about the Dangerous dog law in the UK.

The questions are

- What experience do the authorities have about identification of illegal dogs? Defra has issued guidance on the identification of dangerous dogs and also provided funding for training police officers, which includes the identification of prohibited dogs. The guidance was produced in consultation with experienced stakeholders, such as police forces. It is ultimately for a court to decide on the identification of a dangerous dog, using guidance and experienced witnesses as necessary.
- Is it the owner of the dog or the authorities how has to proof whether the dog is legal or illegal? It is for a court to decide if a dog is illegal in this country, using guidance and experienced witnesses as necessary. Under the Dangerous Dogs Act 1991, it is the defendant who must prove to the court that a dog is not a pitbull type.
- In the "Dangerous Dog Law" Guidance for Enforces there is a annex (Annex 2) on how to identify the dangerous dogs. Is this list being used in practice or is it just a guidance. The description of pitbull type dogs provided in Annex 2 was provided by the police based on the standards they use to identify pitbull type dogs.
- Is there differences between the rules and the above questions in the different parts of the UK? The Dangerous Dogs Act 1991 covers Great Britain – England, Wales and Scotland.

Thank you very much for your help

Yours sincerely,
Jakob Nielsen

JAKOB ROSENBERG NIELSEN / JAKONI@UM.DK
TRAINEE - INTERN / POLITICAL AND EUROPEAN SECTION
DIRECT +4402073330215

DANISH EMBASSY, LONDON
55 SLOANE STREET / SW1X 9SR LONDON
PHONE +44 (0) 20 7333 0200 / WWW.AMBLONDON.UM.DK

From: Justitsministeriet Departementet - Justitsministeriet Departementet [mailto:jm@jm.dk]
Sent: 29 September 2009 09:55
To: London
Cc: £JOURDyrevelfærdskontoret (951s35)
Subject: Erfaringer med forbud mod bestemte hunderacer i Storbritannien og Spanien

Kære Sidsel og Morten

I forlængelse af tidligere korrespondance skal jeg venligst anmode om at få oplyst, om henholdsvis de britiske og spanske myndigheder kan oplyse noget om erfaringerne med håndhævelse af forbudet mod bestemte hunderacer.

06-10-2009

Jeg er særligt interesseret i at få oplyst, hvilke erfaringer myndighedene har med at identificere forbudte hunderacer. Er det myndigheden eller ejeren af en evt. forbudt hunderacer, som har bevisbyrde for, om hunden er ulovlig/lovlig? I Spanien findes en liste over karakteristika, hvilket også findes i bilag 2 til Defra's "Guidance to Enforcers". Umiddelbart kan en sådan ordning virke meget skønspræget, hvorfor jeg er interesseret i at få oplyst, at en sådan liste over kendetegn fungerer til praksis?

Da oplysningerne skal anvendes i forbindelse med drøftelser i regeringens Udvalg om hunde, skal jeg venligst anmode om at modtage jeres tilbagemelding så hurtigt som muligt – og meget gerne i indeværende uge.

På forhånd tak.

Mvh
Michelle



JUSTITSMINISTERIET

Michelle Argir
Fuldmægtig

Tlf.: 7226 8544
Mail: mar@jm.dk

Slotsholmsgade 10
1216 København K
7226 8400
www.justitsministeriet.dk
jm@jm.dk

Michelle Argir

Fra: Niels Heltberg [nihelt@um.dk]
Sendt: 14. maj 2009 12:51
Til: Justitsministeriet; London, Archive
Cc: Michelle Argir; UP; Julia Winding; Christian Thoming; Karen Melchior
Emne: RE: London: Regler vedr. det engelske forbud mod farlige hunde

Ambassaden London den 14. maj 2009
 J.nr. 46.STB.3.

Ambassaden kan bekræfte, at der ikke siden nedenstående indberetning af 30. september 2008 er sket ændringer i den britiske retstilstand vedrørende farlige hunde. Den ressortansvarlige britiske myndighed DEFRA (kontorchef Phil Alder fra Animal Welfare Division) oplyser endvidere, at der heller ikke for indeværende er planer om at foretage sådanne ændringer. Til orientering henvises i øvrigt til nyudgivet vejledning til den eksisterende lovgivning: <http://www.defra.gov.uk/animalh/welfare/domestic/dogs-guide-enforcers.pdf>.

Ambassaden London / Niels Heltberg

NIELS HELTBERG / NIHILT@UM.DK
 1. AMBASSADESEKRETÆR / EU AND ECONOMIC SECTION
 DIRECT +44 (0)20 7333 0211 / MOBILE +44 (0)7880602470

DANISH EMBASSY, LONDON
 55 SLOANE STREET / SW1X 9SR LONDON
 PHONE +44 (0) 20 7333 0200 / WWW.AMBLONDON.UM.DK

From: Michelle Argir [mailto:MAR@jm.dk]
Sent: 13 May 2009 14:31
To: Sidsel Honoré; London
Cc: Michelle Argir
Subject: SV: London: Regler vedr. det engelske forbud mod farlige hunde

Justitsministeriet modtog nedenstående indberetning fra ambassaden i efteråret 2008. Justitsministeriet ønsker til brug for ministeriets udvalg om hunde bekræftet, at oplysningerne om retstilstanden for farlige/aggressive hunde i nedenstående ikke er ændret siden.

Justitsministeriet skal anmode om at modtage svar herpå senest den 2. juni 2009. På forhånd tak.

Med venlig hilsen

Michelle Argir

Fra: Sidsel Honoré [mailto:sidhon@um.dk]
Sendt: 30. september 2008 14:38
Til: Michelle Argir; Justitsministeriet; LONAMBU, Archive
Cc: UP; JTEU; EUK; Birger Riis-Jørgensen; Christian Thorning; Niels Heltberg; Eva Leisner; Michael Borg-Hansen; Anne Sofie Mørk Puggaard; Sidsel Honoré; Udenrigsministeriet
Emne: FW: London: Regler vedr. det engelske forbud mod farlige hunde

Ambassaden London 30. september 2008
46.STB.3

Regler vedr. det engelske forbud mod farlige hunde.

Efter anmodning fremsendes i vedhæftede filer reglerne vedr. det engelske forbud mod farlige hunde reguleret af de to love The Dangerous Dogs Act 1991 og The Dangerous Dogs Act (Amendment) 1997 samt bekendtgørelserne The Dangerous Dogs (Designated Types) Order 1991 og The Dangerous Dogs Compensation and Exemption Schemes Order 1991. Lovgivningen administreres i UK af DEFRA (Department for Environment, Food and Rural Affairs).

Det kan oplyses, jf. ovenstående, at der i The Dangerous Dogs Act 1991 er nedlagt forbud mod hunde af typen Pit Bull Terrier og Japansk Tosa. Endvidere er der, i bekendtgørelse nr. 1743 om benævnelse af hundetyper (designated types), tilføjet yderligere to typer af hunde til forbuddet. Disse betegnet henholdsvis Dogo Argentino og Fila Brasileiro.

Det er væsentligt at bemærke, at UK klassificerer farlige hunde iht. typen – ikke racen. Dvs., at hvorvidt en hund betragtes som farlig og derfor underlagt forbud, afhænger af en vurdering af dens fysiske karakteristika og hvorvidt disse matcher beskrivelsen af en forbudt type.

Bekendtgørelse nr. 1744 om kompensation og undtagelser fastlægger reglerne for, hvornår hundeejere kan modtage kompensation, såfremt de er i besiddelse af en hundetype, der er underlagt forbud, samt hvilke kriterier der må være opfyldt, for at en given hund kan undtages bestemmelserne om forbud.

I øvrigt kan ambassaden henvise til DEFRA's hjemmeside (<http://www.defra.gov.uk/animalh/welfare/domestic/dogs.htm>), der tilbyder et kort resumé at den gældende lovgivningen på området.

Ambassaden har talt med Phil Alder, Animal Welfare Division

Ambassaden London/Sidsel Honoré og Christian Thorning



JUSTITISMINISTERIET

Michelle Argir
Fuldmægtig

Tlf.: 7226 8544
Mail: mar@jm.dk

Slotsholmsgade 10
1216 København K
7226 8400
www.justitsministeriet.dk
jm@jm.dk

Maj-Britt Haastrup

Fra: Niels Heltberg [nihelt@um.dk]
Sendt: 14. maj 2009 12:51
Til: Justitsministeriet; London, Archive
Cc: Michelle Argir; UP; Julia Winding; Christian Thorning; Karen Melchior
Emne: RE: London: Regler vedr. det engelske forbud mod farlige hunde

Ambassaden London den 14. maj 2009
J.nr. 46.STB.3.

Ambassaden kan bekræfte, at der ikke siden nedenstående indberetning af 30. september 2008 er sket ændringer i den britiske retstilstand vedrørende farlige hunde. Den ressortansvarlige britiske myndighed DEFRA (kontorchef Phil Alder fra Animal Welfare Division) oplyser endvidere, at der heller ikke for indeværende er planer om at foretage sådanne ændringer. Til orientering henvises i øvrigt til nyudgivet vejledning til den eksisterende lovgivning: <http://www.defra.gov.uk/animalh/welfare/domestic/dogs-guide-enforcers.pdf>.

Ambassaden London / Niels Heltberg

NIELS HELTBERG / NIHILT@UM.DK
1. AMBASSADESEKRETÆR / EU AND ECONOMIC SECTION
DIRECT +44 (0)20 7333 0211 / MOBILE +44 (0)7880602470

DANISH EMBASSY, LONDON
55 SLOANE STREET / SW1X 9SR LONDON
PHONE +44 (0) 20 7333 0200 / WWW.AMBLONDON.UK

From: Michelle Argir [mailto:MAR@jm.dk]
Sent: 13 May 2009 14:31
To: Sidsel Honoré; London
Cc: Michelle Argir
Subject: SV: London: Regler vedr. det engelske forbud mod farlige hunde

Justitsministeriet modtog nedenstående indberetning fra ambassaden i efteråret 2008. Justitsministeriet ønsker til brug for ministeriets udvalg om hunde bekræftet, at oplysningerne om retstilstanden for farlige/aggressive hunde i nedenstående ikke er ændret siden.

Justitsministeriet skal anmode om at modtage svar herpå senest den 2. juni 2009. På forhånd tak.

Med venlig hilsen

Michelle Argir

Fra: Sidsel Honoré [mailto:sidhon@um.dk]
Sendt: 30. september 2008 14:38
Til: Michelle Argir; Justitsministeriet; LONAMBU, Archive
Cc: UP; JTEU; EUK; Birger Riis-Jørgensen; Christian Thorning; Niels Heltberg; Eva Leisner; Michael Borg-Hansen; Anne Sofie Mørk Puggaard; Sidsel Honoré; Udenrigsministeriet
Emne: FW: London: Regler vedr. det engelske forbud mod farlige hunde

MAR WL
Justitsministeriet
Dyrevelfærdskontoret

2009 NR. 5430 - 0159

Akt.nr. 24

14-05-2009

Ambassaden London 30. september 2008
46.STB.3

Regler vedr. det engelske forbud mod farlige hunde.

Efter anmodning fremsendes i vedhæftede filer reglerne vedr. det engelske forbud mod farlige hunde reguleret af de to love The Dangerous Dogs Act 1991 og The Dangerous Dogs Act (Amendment) 1997 samt bekendtgørelserne The Dangerous Dogs (Designated Types) Order 1991 og The Dangerous Dogs Compensation and Exemption Schemes Order 1991. Lovgivningen administreres i UK af DEFRA (Department for Environment, Food and Rural Affairs).

Det kan oplyses, jf. ovenstående, at der i The Dangerous Dogs Act 1991 er nedlagt forbud mod hunde af typen Pit Bull Terrier og Japansk Tosa. Endvidere er der, i bekendtgørelse nr. 1743 om benævnelse af hundetyper (designated types), tilføjet yderligere to typer af hunde til forbuddet. Disse betegnet henholdsvis Dogo Argentino og Fila Brasileiro.

Det er væsentligt at bemærke, at UK klassificerer farlige hunde iht. typen – ikke racen. Dvs., at hvorvidt en hund betragtes som farlig og derfor underlagt forbud, afhænger af en vurdering af dens fysiske karakteristika og hvorvidt disse matcher beskrivelsen af en forbudt type.

Bekendtgørelse nr. 1744 om kompensation og undtagelser fastlægger reglerne for, hvornår hundeejere kan modtage kompensation, såfremt de er i besiddelse af en hundetype, der er underlagt forbud, samt hvilke kriterier der må være opfyldt, for at en given hund kan undtages bestemmelserne om forbud.

I øvrigt kan ambassaden henvise til DEFRA's hjemmeside (<http://www.defra.gov.uk/animalh/welfare/domestic/dogs.htm>), der tilbyder et kort resumé at den gældende lovgivningen på området.

Ambassaden har talt med Phil Alder, Animal Welfare Division

Ambassaden London/Sidsel Honoré og Christian Thorning



JUSTITSMINISTERIET

Michelle Argir
Fuldmægtig

Tlf.: 7226 8544
Mail: mar@jm.dk

Slotsholmsgade 10
1216 København K
7226 8400
www.justitsministeriet.dk
jm@jm.dk

**Michelle Argir**

Fra: Sidsel Honoré [sidhon@um.dk]
Sendt: 3. november 2008 15:50
Til: Michelle Argir
Cc: Christian Thorning
Emne: London: Regler vedr. det engelske forbud mod farlige hunde

Kære Michelle

Efter fornyet kontakt til DEFRA er det oplyst, at bestemmelser om båndpligt for hunde reguleres af de lokale myndigheder (Councils) vha. vedtægter (bylaws). The Dangerous Dogs Act er således den eneste nationale lovgivning, der specifikt regulerer spørgsmål vedr. hunde.

Der kan dog i anden national særlovgivning eksistere bestemmelser angående båndpligt for hunde. Til eksempel er vedhæftet The Road Traffic Act 1988, hvor det af §27 fremgår, at hunde skal føres i snor på udvalgte vejstrækninger.

Med venlig hilsen
Sidsel

From: Sidsel Honoré
Sent: 31 October 2008 14:27
To: 'Michelle Argir'
Cc: Christian Thorning
Subject: RE: London: Regler vedr. det engelske forbud mod farlige hunde

Kære Michelle

Tak for din mail.

Jeg har ringet lidt rundt i DEFRA og afventer i øjeblikket svar på dine spørgsmål. Indtil videre tyder det på, at afgørelser vedr. båndpligt for hunde uanset race eller område reguleres af lokale myndigheder, dog med forbehold for, at der kan eksistere undtagelser på dette område i form af nationale regler. Det er disse undtagelser, jeg har forsøgt at fremskaffe. Jeg håber ikke ventetiden er til for megen ulejlighed.

Med venlig hilsen

Sidsel

From: Michelle Argir [mailto:MAR@jm.dk]
Sent: 28 October 2008 14:55
To: Sidsel Honoré
Cc: Michelle Argir
Subject: SV: London: Regler vedr. det engelske forbud mod farlige hunde

Kære Sidsel Honoré

I forlængelse af nedenstående mail er jeg desværre nødt til at forstyrre dig igen. Jeg kan kun se, at der lokalt er mulighed for at træffe bestemmelse om, at hunde skal føres i snor. Betyder det, at der ikke findes nationale regler om at hunde (evt. bestemte racer eller alle hunde) på visse områder (f.eks. i byer, på legepladser mv.) skal føres i snor?

På forhånd tak for hjælpen.

03-11-2008

Mvh

Michelle

Fra: Sidsel Honoré [mailto:sidhon@um.dk]
Sendt: 21. oktober 2008 16:30
Til: Michelle Argir
Cc: Christian Thorning
Emne: RE: London: Regler vedr. det engelske forbud mod farlige hunde

Kære Michelle Argir

Tak for din mail.

Af nedenstående link fremkommer oplysninger vedr. båndpligt i UK.

<http://www.defra.gov.uk/environment/localenv/dogs/orders.htm>

Kontakt mig endelig såfremt du har yderligere spørgsmål eller oplysningerne ikke er fyldestgørende.

Med venlig hilsen
Sidsel Honoré

From: Michelle Argir [mailto:MAR@jm.dk]
Sent: 21 October 2008 09:47
To: Sidsel Honoré
Cc: Michelle Argir
Subject: SV: London: Regler vedr. det engelske forbud mod farlige hunde

Kære Sidsel Honoré

Tak for materialet vedr. det engelske forbud mod farlige hunde.

Jeg undersøger i øjeblikket andre landes lovgivning vedr. båndpligt – altså krav om at en hund skal føres i snor. Ud fra det materiale du sendte, kan jeg se, at de farlige hunde, som er undtaget forbuddet i Storbritannien – enten på grund af en dispensation inden The Dangerous Dogs Act trådte i kraft i 1991 eller fordi en domstol efterfølgende ikke har fundet, at hunden ikke udgør en fare for den offentlige sikkerhed (ændringen fra 1997) – altid skal føres i snor (og være tatoveret, chipmærket, ansvarsforsikret mv.). Men herudover kan jeg ikke se, at der skulle gælde krav om, at "almindelige" hunde skal føres i snor. Er det korrekt? Kan der evt. træffes bestemmelse herom lokalt, f.eks. af kommunen/byrådet?

Jeg har selv forsøgt at undersøge spørgsmålet på www.defra.gov.uk, dog uden held.

På forhånd tak for hjælpen.

Mvh
Michelle Argir

Fra: Sidsel Honoré [mailto:sidhon@um.dk]
Sendt: 30. september 2008 14:38
Til: Michelle Argir; Justitsministeriet; LONAMBU, Archive
Cc: UP; JTEU; EUK; Birger Riis-Jørgensen; Christian Thorning; Niels Heltberg; Eva Leisner; Michael Borg-Hansen; Anne Sofie Mørk Puggaard; Sidsel Honoré; Udenrigsministeriet
Emne: FW: London: Regler vedr. det engelske forbud mod farlige hunde

Ambassaden London 30. september 2008
46.STB.3

03-11-2008

Regler vedr. det engelske forbud mod farlige hunde.

Efter anmodning fremsendes i vedhæftede filer reglerne vedr. det engelske forbud mod farlige hunde reguleret af de to love The Dangerous Dogs Act 1991 og The Dangerous Dogs Act (Amendment) 1997 samt bekendtgørelserne The Dangerous Dogs (Designated Types) Order 1991 og The Dangerous Dogs Compensation and Exemption Schemes Order 1991. Lovgivningen administreres i UK af DEFRA (Department for Environment, Food and Rural Affairs).

Det kan oplyses, jf. ovenstående, at der i The Dangerous Dogs Act 1991 er nedlagt forbud mod hunde af typen Pit Bull Terrier og Japansk Tosa. Endvidere er der, i bekendtgørelse nr. 1743 om benævnelse af hundetyper (designated types), tilføjet yderligere to typer af hunde til forbuddet. Disse betegnet henholdsvis Dogo Argentino og Fila Brasileiro.

Det er væsentligt at bemærke, at UK klassificerer farlige hunde iht. typen – ikke racen. Dvs., at hvorvidt en hund betragtes som farlig og derfor underlagt forbud, afhænger af en vurdering af dens fysiske karakteristika og hvorvidt disse matcher beskrivelsen af en forbudt type.

Bekendtgørelse nr. 1744 om kompensation og undtagelser fastlægger reglerne for, hvornår hundeejere kan modtage kompensation, såfremt de er i besiddelse af en hundetype, der er underlagt forbud, samt hvilke kriterier der må være opfyldt, for at en given hund kan undtages bestemmelserne om forbud.

I øvrigt kan ambassaden henvise til DEFRA's hjemmeside (<http://www.defra.gov.uk/animalh/welfare/domestic/dogs.htm>), der tilbyder et kort resumé at den gældende lovgivningen på området.

Ambassaden har talt med Phil Alder, Animal Welfare Division

Ambassaden London/Sidsel Honoré og Christian Thorning



JUSTITSMINISTERIET

Michelle Argir
Fuldmægtig

Tlf.: 7226 8544
Mail: mar@jm.dk

Slotsholmsgade 10
1216 København K
7226 8400
www.justitsministeriet.dk
jm@jm.dk



JUSTITSMINISTERIET

Michelle Argir
Fuldmægtig

Tlf.: 7226 8544
Mail: mar@jm.dk

Slotsholmsgade 10
1216 København K
7226 8400

03-11-2008

www.justitsministeriet.dk
jm@jm.dk

Michelle Argir

Fra: Sidsel Honoré [sidhon@um.dk]
Sendt: 30. september 2008 14:38
Til: Michelle Argir; Justitsministeriet; LONAMBU, Archive
Cc: UP; JTEU; EUK; Birger Riis-Jørgensen; Christian Thorning; Niels Heltberg; Eva Leisner; Michael Borg-Hansen; Anne Sofie Mørk Puggaard; Sidsel Honoré; Udenrigsministeriet
Emne: FW: London: Regler vedr. det engelske forbud mod farlige hunde
Vedhæftede filer: Dangerous dogs act 1991.pdf; Dangerous dogs act amendment 1997.pdf; Statutory Instrument 1991 No 1743.doc; Statutory Instrument 1991 No 1744.doc

Ambassaden London 30. september 2008
46.STB.3

Regler vedr. det engelske forbud mod farlige hunde.

Efter anmodning fremsendes i vedhæftede filer reglerne vedr. det engelske forbud mod farlige hunde reguleret af de to love The Dangerous Dogs Act 1991 og The Dangerous Dogs Act (Amendment) 1997 samt bekendtgørelserne The Dangerous Dogs (Designated Types) Order 1991 og The Dangerous Dogs Compensation and Exemption Schemes Order 1991. Lovgivningen administreres i UK af DEFRA (Department for Environment, Food and Rural Affairs).

Det kan oplyses, jf. ovenstående, at der i The Dangerous Dogs Act 1991 er nedlagt forbud mod hunde af typen Pit Bull Terrier og Japansk Tosa. Endvidere er der, i bekendtgørelse nr. 1743 om benævnelse af hundetyper (designated types), tilføjet yderligere to typer af hunde til forbuddet. Disse betegnet henholdsvis Dogo Argentino og Fila Brasileiro.

Det er væsentligt at bemærke, at UK klassificerer farlige hunde iht. typen – ikke racen. Dvs., at hvorvidt en hund betragtes som farlig og derfor underlagt forbud, afhænger af en vurdering af dens fysiske karakteristika og hvorvidt disse matcher beskrivelsen af en forbudt type.

Bekendtgørelse nr. 1744 om kompensation og undtagelser fastlægger reglerne for, hvornår hundeejere kan modtage kompensation, såfremt de er i besiddelse af en hundetype, der er underlagt forbud, samt hvilke kriterier der må være opfyldt, for at en given hund kan undtages bestemmelserne om forbud.

I øvrigt kan ambassaden henvise til DEFRA's hjemmeside (<http://www.defra.gov.uk/animalh/welfare/domestic/dogs.htm>), der tilbyder et kort resumé at den gældende lovgivningen på området.

Ambassaden har talt med Phil Alder, Animal Welfare Division

Ambassaden London/Sidsel Honoré og Christian Thorning



Environmental protection

Local environmental quality: Dog Control Orders

Dog Control Orders replaced Dog Byelaws in April 2006. Existing byelaws remain in effect until such time as a dog control order for the same issue is made on the same land.

The Dogs Fouling of Land Act 1996 has been repealed but existing designations remain in force until any dog control order is made on the same land.

Dog Control Orders can be made to control:

- Dog fouling
- Restriction of dogs from certain land
- Areas where dogs have to be kept on a lead
- Areas where dogs have to be kept on a lead when instructed
- Restrictions on multiple dog walking

Unlike Dog Byelaws, Control Orders can be made at a local level by a local authority or a parish council. Breach of a control order can attract a maximum fine of level 3 on that standard scale (currently £1000).

Alternatively, the opportunity to pay a fixed penalty may be offered in place of prosecution. Prior to a control order being made a period of local consultation and notices in local press is required.

For guidance on making a dog control see

- [Dog Control Orders](#)  (180 KB)

Dog Control Order regulations:

- [The Dog Control Orders \(Procedures\) Regulations 2006](#) (on OPSI website)
- [The Dog Control Orders \(Prescribed Offences and Penalties, etc.\) Regulations 2006](#) (on OPSI website)

Dog byelaws

Dog byelaws are local laws which apply to land designated by local authorities, parish, town and community councils.

These byelaws can require people to keep their dog on a lead, require people to keep their dog on a lead if directed to do so, require people to clear up after their dogs, ban dogs from beaches and ban dogs completely.

Details of existing dog byelaws in your area can be requested from your local authority.

Further information is available on our [Help page](#) about downloading or reading *Adobe Acrobat*  documents.

Page last modified: 30 March 2007



Dangerous Dogs (Amendment) Act 1997

1997 CHAPTER 53

ARRANGEMENT OF SECTIONS

1. Destruction orders.
2. Contingent destruction orders.
3. Destruction orders otherwise than on a conviction.
4. Extended application of 1991 Order.
5. Transitional provisions.
6. Short title, commencement and extent.

An Act to amend the Dangerous Dogs Act 1991; and for connected purposes.

[21st March 1997]

Be it 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:—

1 Destruction orders

- (1) In paragraph (a) of subsection (1) of section 4 (destruction and disqualification orders) of the [1991 c. 65.] Dangerous Dogs Act 1991 ("the 1991 Act"), after the words "committed and" there shall be inserted the words ", subject to subsection (1A) below,".
- (2) After that subsection there shall be inserted the following subsection—
 - "(1A) Nothing in subsection (1)(a) above shall require the court to order the destruction of a dog if the court is satisfied—
 - (a) that the dog would not constitute a danger to public safety; and
 - (b) where the dog was born before 30th November 1991 and is subject to the prohibition in section 1(3) above, that there is a good reason why the dog has not been exempted from that prohibition."
- (3) In subsection (2) of that section, the words "then, unless the order is one that the court is required to make" shall cease to have effect.
- (4) In subsection (3)(a) of that section, the words ", where the order was not one that the court was required to make" shall cease to have effect.

2 Contingent destruction orders

After section 4 of the 1991 Act there shall be inserted the following section—

***4A Contingent destruction orders**

- (1) Where—
 - (a) a person is convicted of an offence under section 1 above or an aggravated offence under section 3(1) or (3) above;
 - (b) the court does not order the destruction of the dog under section 4(1)(a) above; and
 - (c) in the case of an offence under section 1 above, the dog is subject to the prohibition in section 1(3) above,

the court shall order that, unless the dog is exempted from that prohibition within the requisite period, the dog shall be destroyed.
- (2) Where an order is made under subsection (1) above in respect of a dog, and the dog is not exempted from the prohibition in section 1(3) above within the requisite period, the court may extend that period.
- (3) Subject to subsection (2) above, the requisite period for the purposes of such an order is the period of two months beginning with the date of the order.
- (4) Where a person is convicted of an offence under section 3(1) or (3) above, the court may order that, unless the owner of the dog keeps it under proper control, the dog shall be destroyed.
- (5) An order under subsection (4) above—
 - (a) may specify the measures to be taken for keeping the dog under proper control, whether by muzzling, keeping on a lead, excluding it from specified places or otherwise; and
 - (b) if it appears to the court that the dog is a male and would be less dangerous if neutered, may require it to be neutered.
- (6) Subsections (2) to (4) of section 4 above shall apply in relation to an order under subsection (1) or (4) above as they apply in relation to an order under subsection (1)(a) of that section."

3 Destruction orders otherwise than on a conviction

- (1) After section 4A of the 1991 Act there shall be inserted the following section—

***4B Destruction orders otherwise than on a conviction**

- (1) Where a dog is seized under section 5(1) or (2) below and it appears to a justice of the peace, or in Scotland a justice of the peace or sheriff—
 - (a) that no person has been or is to be prosecuted for an offence under this Act or an order under section 2 above in respect of that dog (whether because the owner cannot be found or for any other reason); or
 - (b) that the dog cannot be released into the custody or possession of its owner without the owner contravening the prohibition in section 1(3) above,

he may order the destruction of the dog and, subject to subsection (2) below, shall do so if it is one to which section 1 above applies.
- (2) Nothing in subsection (1)(b) above shall require the justice or sheriff to order the destruction of a dog if he is satisfied—
 - (a) that the dog would not constitute a danger to public safety; and
 - (b) where the dog was born before 30th November 1991 and is subject to the prohibition in section 1(3) above, that there is a good reason why the dog has not been exempted from that prohibition.
- (3) Where in a case falling within subsection (1)(b) above the justice or sheriff does not order the destruction of the dog, he shall order that, unless the dog is exempted from the prohibition in section 1(3) above within the requisite period, the dog shall be destroyed.
- (4) Subsections (2) to (4) of section 4 above shall apply in relation to an order under subsection (1)(b) or (3) above as they apply in relation to an order under subsection (1)(a) of that section.

(5) Subsections (2) and (3) of section 4A above shall apply in relation to an order under subsection (3) above as they apply in relation to an order under subsection (1) of that section, except that the reference to the court in subsection (2) of that section shall be construed as a reference to the justice or sheriff."

(2) In section 5 of the 1991 Act (seizure, entry of premises and evidence), subsection (4) (which is superseded by this section) shall cease to have effect.

4 Extended application of 1991 Order

(1) Where an order is made under section 4A(1) or 4B(3) of the 1991 Act, Part III of the [S.I. 1991/1744.] Dangerous Dogs Compensation and Exemption Schemes Order 1991 (exemption scheme) shall have effect as if—

(a) any reference to the appointed day were a reference to the end of the requisite period within the meaning of section 4A or, as the case may be, section 4B of the 1991 Act;

(b) paragraph (a) of Article 4 and Article 6 were omitted; and

(c) the fee payable to the Agency under Article 9 were a fee of such amount as the Secretary of State may by order prescribe.

(2) The power to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

5 Transitional provisions

(1) This Act shall apply in relation to cases where proceedings have been instituted before, as well as after, the commencement of this Act.

(2) In a case where, before the commencement of this Act—

(a) the court has ordered the destruction of a dog in respect of which an offence under section 1, or an aggravated offence under section 3(1) or (3), of the 1991 Act has been committed, but

(b) the dog has not been destroyed,

that destruction order shall cease to have effect and the case shall be remitted to the court for reconsideration.

(3) Where a case is so remitted, the court may make any order in respect of the dog which it would have power to make if the person in question had been convicted of the offence after the commencement of this Act.

6 Short title, commencement and extent

(1) This Act may be cited as the Dangerous Dogs (Amendment) Act 1997.

(2) This Act does not extend to Northern Ireland.

(3) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.

Statutory Instrument 1991 No. 1743

The Dangerous Dogs (Designated Types) Order 1991

© Crown Copyright 1991

Statutory Instruments printed from this website are printed under the superintendence and authority of the Controller of HMSO being the Queen's Printer of Acts of Parliament.

The legislation contained on this web site is subject to Crown Copyright protection. It may be reproduced free of charge provided that it is reproduced accurately and that the source and copyright status of the material is made evident to users.

It should be noted that the right to reproduce the text of Statutory Instruments does not extend to the Queen's Printer imprints which should be removed from any copies of the Statutory Instrument which are issued or made available to the public. This includes reproduction of the Statutory Instrument on the Internet and on intranet sites. The Royal Arms may be reproduced only where they are an integral part of the original document.

The text of this Internet version of the Statutory Instrument has been prepared to reflect the text as it was Made. A print version is also available and is published by The Stationery Office Limited as the **The Dangerous Dogs (Designated Types) Order 1991**, ISBN 011014743X. The print version may be purchased by clicking [here](#). Braille copies of this Statutory Instrument can also be purchased at the same price as the print edition by contacting TSO Customer Services on 0870 600 5522 or e-mail:customer.services@tso.co.uk.

Further information about the publication of legislation on this website can be found by referring to the [Frequently Asked Questions](#).

To ensure fast access over slow connections, large documents have been segmented into "chunks". Where you see a "continue" button at the bottom of the page of text, this indicates that there is another chunk of text available.

STATUTORY INSTRUMENTS

1991 No. 1743

DOGS

The Dangerous Dogs (Designated Types) Order 1991

| | |
|-------------------------------|-------------------------|
| <i>Made</i> | <i>25th July 1991</i> |
| <i>Laid before Parliament</i> | <i>26th July 1991</i> |
| <i>Coming into force</i> | <i>12th August 1991</i> |

In exercise of the powers conferred upon me by section 1(1)(c) of the Dangerous Dogs Act 1991^[1], I hereby make the following Order:

1. This Order may be cited as the Dangerous Dogs (Designated Types) Order 1991 and shall come into force on 12th August 1991.

2. There are hereby designated for the purposes of section 1 of the Dangerous Dogs Act 1991 dogs of the following types, being types appearing to be bred for fighting or to have the characteristics of types bred for that purpose, namely:

- (a) any dog of the type known as the Dogo Argentino; and
- (b) any dog of the type known as the Fila Brasileiro.

Kenneth Baker

One of her Majesty's Principal Secretaries of State
Home Office

25th July 1991

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates two types of dog, Dogo Argentino and Fila Brasileiro, for the purposes of section 1 of the Dangerous Dogs Act 1991.

ISBN 0 11 014743 X

Notes:

[1] 1991 c. 65. back

Statutory Instrument 1991 No. 1744

The Dangerous Dogs Compensation and Exemption Schemes Order 1991

© Crown Copyright 1991

Statutory Instruments printed from this website are printed under the superintendence and authority of the Controller of HMSO being the Queen's Printer of Acts of Parliament.

The legislation contained on this web site is subject to Crown Copyright protection. It may be reproduced free of charge provided that it is reproduced accurately and that the source and copyright status of the material is made evident to users.

It should be noted that the right to reproduce the text of Statutory Instruments does not extend to the Queen's Printer imprints which should be removed from any copies of the Statutory Instrument which are issued or made available to the public. This includes reproduction of the Statutory Instrument on the Internet and on intranet sites. The Royal Arms may be reproduced only where they are an integral part of the original document.

The text of this Internet version of the Statutory Instrument has been prepared to reflect the text as it was Made. A print version is also available and is published by The Stationery Office Limited as the **The Dangerous Dogs Compensation and Exemption Schemes Order 1991**, ISBN 0110147448. The print version may be purchased by clicking [here](#). Braille copies of this Statutory Instrument can also be purchased at the same price as the print edition by contacting TSO Customer Services on 0870 600 5522 or e-mail: customer.services@tso.co.uk.

Further information about the publication of legislation on this website can be found by referring to the [Frequently Asked Questions](#).

To ensure fast access over slow connections, large documents have been segmented into "chunks". Where you see a "continue" button at the bottom of the page of text, this indicates that there is another chunk of text available.

STATUTORY INSTRUMENTS

1991 No. 1744

DOGS

The Dangerous Dogs Compensation and Exemption Schemes Order 1991

Made 25th July 1991

Laid before Parliament 26th July 1991

Coming into force 12th August 1991

In exercise of the powers conferred upon me by subsections (3), (5) and (6) of section 1 of the Dangerous Dogs Act 1991ⁱⁱⁱ, I hereby make the following Order:

PART I

PRELIMINARY

1.—(1) This Order may be cited as the Dangerous Dogs Compensation and Exemption Schemes Order 1991 and shall come into force on 12th August 1991.

(2) In this Order-

(a) "the Act" means the Dangerous Dogs Act 1991;

(b) "the Agency" means the person or body for the time being designated by the Secretary of State to discharge those functions under this Order, which, in pursuance thereof, are functions falling to be discharged by the Agency;

(c) "the appointed day" means the day appointed for the purposes of section 1(3) of the Act; and

(d) unless the context otherwise requires, any reference to an article is to an article of this Order and any reference in an article to a paragraph is to a paragraph of that article.



Dangerous Dogs Act 1991

CHAPTER 65

ARRANGEMENT OF SECTIONS

- Section
1. Dogs bred for fighting.
 2. Other specially dangerous dogs.
 3. Keeping dogs under proper control.
 4. Destruction and disqualification orders.
 5. Seizure, entry of premises and evidence.
 6. Dogs owned by young persons.
 7. Muzzling and leads.
 8. Power to make corresponding provision for Northern Ireland.
 9. Expenses.
 10. Short title, interpretation, commencement and extent.



Dangerous Dogs Act 1991

1991 CHAPTER 65

An Act to prohibit persons from having in their possession or custody dogs belonging to types bred for fighting; to impose restrictions in respect of such dogs pending the coming into force of the prohibition; to enable restrictions to be imposed in relation to other types of dog which present a serious danger to the public; to make further provision for securing that dogs are kept under proper control; and for connected purposes.

[25th July 1991]

BE IT 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:—

1.—(1) This section applies to—

- (a) any dog of the type known as the pit bull terrier;
- (b) any dog of the type known as the Japanese tosa; and
- (c) any dog of any type designated for the purposes of this section by an order of the Secretary of State, being a type appearing to him to be bred for fighting or to have the characteristics of a type bred for that purpose.

Dogs bred for fighting.

(2) No person shall—

- (a) breed, or breed from, a dog to which this section applies;
- (b) sell or exchange such a dog or offer, advertise or expose such a dog for sale or exchange;
- (c) make or offer to make a gift of such a dog or advertise or expose such a dog as a gift;
- (d) allow such a dog of which he is the owner or of which he is for the time being in charge to be in a public place without being muzzled and kept on a lead; or

(e) abandon such a dog of which he is the owner or, being the owner or for the time being in charge of such a dog, allow it to stray.

(3) After such day as the Secretary of State may by order appoint for the purposes of this subsection no person shall have any dog to which this section applies in his possession or custody except—

(a) in pursuance of the power of seizure conferred by the subsequent provisions of this Act; or

(b) in accordance with an order for its destruction made under those provisions;

but the Secretary of State shall by order make a scheme for the payment to the owners of such dogs who arrange for them to be destroyed before that day of sums specified in or determined under the scheme in respect of those dogs and the cost of their destruction.

(4) Subsection (2)(b) and (c) above shall not make unlawful anything done with a view to the dog in question being removed from the United Kingdom before the day appointed under subsection (3) above.

(5) The Secretary of State may by order provide that the prohibition in subsection (3) above shall not apply in such cases and subject to compliance with such conditions as are specified in the order and any such provision may take the form of a scheme of exemption containing such arrangements (including provision for the payment of charges or fees) as he thinks appropriate.

(6) A scheme under subsection (3) or (5) above may provide for specified functions under the scheme to be discharged by such persons or bodies as the Secretary of State thinks appropriate.

(7) Any person who contravenes this section is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both except that a person who publishes an advertisement in contravention of subsection (2)(b) or (c)—

(a) shall not on being convicted be liable to imprisonment if he shows that he published the advertisement to the order of someone else and did not himself devise it; and

(b) shall not be convicted if, in addition, he shows that he did not know and had no reasonable cause to suspect that it related to a dog to which this section applies.

(8) An order under subsection (1)(c) above adding dogs of any type to those to which this section applies may provide that subsections (3) and (4) above shall apply in relation to those dogs with the substitution for the day appointed under subsection (3) of a later day specified in the order.

(9) The power to make orders under this section shall be exercisable by statutory instrument which, in the case of an order under subsection (1) or (5) or an order containing a scheme under subsection (3), shall be subject to annulment in pursuance of a resolution of either House of Parliament.

2.—(1) If it appears to the Secretary of State that dogs of any type to which section 1 above does not apply present a serious danger to the public he may by order impose in relation to dogs of that type restrictions corresponding, with such modifications, if any, as he thinks appropriate, to all or any of those in subsection (2)(d) and (e) of that section.

Other specially dangerous dogs.

(2) An order under this section may provide for exceptions from any restriction imposed by the order in such cases and subject to compliance with such conditions as are specified in the order.

(3) An order under this section may contain such supplementary or transitional provisions as the Secretary of State thinks necessary or expedient and may create offences punishable on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

(4) In determining whether to make an order under this section in relation to dogs of any type and, if so, what the provisions of the order should be, the Secretary of State shall consult with such persons or bodies as appear to him to have relevant knowledge or experience, including a body concerned with animal welfare, a body concerned with veterinary science and practice and a body concerned with breeds of dogs.

(5) The power to make an order under this section shall be exercisable by statutory instrument and no such order shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

3.—(1) If a dog is dangerously out of control in a public place—

(a) the owner; and

(b) if different, the person for the time being in charge of the dog,

is guilty of an offence, or, if the dog while so out of control injures any person, an aggravated offence, under this subsection.

Keeping dogs under proper control.

(2) In proceedings for an offence under subsection (1) above against a person who is the owner of a dog but was not at the material time in charge of it, it shall be a defence for the accused to prove that the dog was at the material time in the charge of a person whom he reasonably believed to be a fit and proper person to be in charge of it.

(3) If the owner or, if different, the person for the time being in charge of a dog allows it to enter a place which is not a public place but where it is not permitted to be and while it is there—

(a) it injures any person; or

(b) there are grounds for reasonable apprehension that it will do so, he is guilty of an offence, or, if the dog injures any person, an aggravated offence, under this subsection.

(4) A person guilty of an offence under subsection (1) or (3) above other than an aggravated offence is liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both; and a person guilty of an aggravated offence under either of those subsections is liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

1871 c.56.

(5) It is hereby declared for the avoidance of doubt that an order under section 2 of the Dogs Act 1871 (order on complaint that dog is dangerous and not kept under proper control)—

(a) may be made whether or not the dog is shown to have injured any person; and

(b) may specify the measures to be taken for keeping the dog under proper control, whether by muzzling, keeping on a lead, excluding it from specified places or otherwise.

(6) If it appears to a court on a complaint under section 2 of the said Act of 1871 that the dog to which the complaint relates is a male and would be less dangerous if neutered the court may under that section make an order requiring it to be neutered.

1989 c. 30.

(7) The reference in section 1(3) of the Dangerous Dogs Act 1989 (penalties) to failing to comply with an order under section 2 of the said Act of 1871 to keep a dog under proper control shall include a reference to failing to comply with any other order made under that section; but no order shall be made under that section by virtue of subsection (6) above where the matters complained of arose before the coming into force of that subsection.

Destruction and
disqualification
orders.

4.—(1) Where a person is convicted of an offence under section 1 or 3(1) or (3) above or of an offence under an order made under section 2 above the court—

(a) may order the destruction of any dog in respect of which the offence was committed and shall do so in the case of an offence under section 1 or an aggravated offence under section 3(1) or (3) above; and

(b) may order the offender to be disqualified, for such period as the court thinks fit, for having custody of a dog.

(2) Where a court makes an order under subsection (1)(a) above for the destruction of a dog owned by a person other than the offender, then, unless the order is one that the court is required to make, the owner may appeal to the Crown Court against the order.

(3) A dog shall not be destroyed pursuant to an order under subsection (1)(a) above—

(a) until the end of the period for giving notice of appeal against the conviction or, where the order was not one which the court was required to make, against the order; and

(b) if notice of appeal is given within that period, until the appeal is determined or withdrawn,

unless the offender and, in a case to which subsection (2) above applies, the owner of the dog give notice to the court that made the order that there is to be no appeal.

(4) Where a court makes an order under subsection (1)(a) above it may—

(a) appoint a person to undertake the destruction of the dog and require any person having custody of it to deliver it up for that purpose; and

- (b) order the offender to pay such sum as the court may determine to be the reasonable expenses of destroying the dog and of keeping it pending its destruction.

(5) Any sum ordered to be paid under subsection (4)(b) above shall be treated for the purposes of enforcement as if it were a fine imposed on conviction.

(6) Any person who is disqualified for having custody of a dog by virtue of an order under subsection (1)(b) above may, at any time after the end of the period of one year beginning with the date of the order, apply to the court that made it (or a magistrates' court acting for the same petty sessions area as that court) for a direction terminating the disqualification.

(7) On an application under subsection (6) above the court may—

- (a) having regard to the applicant's character, his conduct since the disqualification was imposed and any other circumstances of the case, grant or refuse the application; and
- (b) order the applicant to pay all or any part of the costs of the application;

and where an application in respect of an order is refused no further application in respect of that order shall be entertained if made before the end of the period of one year beginning with the date of the refusal.

(8) Any person who—

- (a) has custody of a dog in contravention of an order under subsection (1)(b) above; or
- (b) fails to comply with a requirement imposed on him under subsection (4)(a) above,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(9) In the application of this section to Scotland—

- (a) in subsection (2) for the words "Crown Court against the order" there shall be substituted the words "High Court of Justiciary against the order within the period of seven days beginning with the date of the order";

(b) for subsection (3)(a) there shall be substituted—

"(a) until the end of the period of seven days beginning with the date of the order";

(c) for subsection (5) there shall be substituted—

"(5) Section 411 of the Criminal Procedure (Scotland) Act 1975 shall apply in relation to the recovery of sums ordered to be paid under subsection (4)(b) above as it applies to fines ordered to be recovered by civil diligence in pursuance of Part II of that Act."; and

- (d) in subsection (6) the words "(or a magistrates' court acting for the same petty sessions area as that court)" shall be omitted.

5.—(1) A constable or an officer of a local authority authorised by it to exercise the powers conferred by this subsection may seize—

Seizure, entry of premises and evidence.

- (a) any dog which appears to him to be a dog to which section 1 above applies and which is in a public place—

(i) after the time when possession or custody of it has become unlawful by virtue of that section; or

(ii) before that time, without being muzzled and kept on a lead;

(b) any dog in a public place which appears to him to be a dog to which an order under section 2 above applies and in respect of which an offence against the order has been or is being committed; and

(c) any dog in a public place (whether or not one to which that section or such an order applies) which appears to him to be dangerously out of control.

(2) If a justice of the peace is satisfied by information on oath, or in Scotland a justice of the peace or sheriff is satisfied by evidence on oath, that there are reasonable grounds for believing—

(a) that an offence under any provision of this Act or of an order under section 2 above is being or has been committed; or

(b) that evidence of the commission of any such offence is to be found,

on any premises he may issue a warrant authorising a constable to enter those premises (using such force as is reasonably necessary) and to search them and seize any dog or other thing found there which is evidence of the commission of such an offence.

(3) A warrant issued under this section in Scotland shall be authority for opening lockfast places and may authorise persons named in the warrant to accompany a constable who is executing it.

(4) Where a dog is seized under subsection (1) or (2) above and it appears to a justice of the peace, or in Scotland a justice of the peace or sheriff, that no person has been or is to be prosecuted for an offence under this Act or an order under section 2 above in respect of that dog (whether because the owner cannot be found or for any other reason) he may order the destruction of the dog and shall do so if it is one to which section 1 above applies.

(5) If in any proceedings it is alleged by the prosecution that a dog is one to which section 1 or an order under section 2 above applies it shall be presumed that it is such a dog unless the contrary is shown by the accused by such evidence as the court considers sufficient; and the accused shall not be permitted to adduce such evidence unless he has given the prosecution notice of his intention to do so not later than the fourteenth day before that on which the evidence is to be adduced.

Dogs owned by young persons.

6. Where a dog is owned by a person who is less than sixteen years old any reference to its owner in section 1(2)(d) or (e) or 3 above shall include a reference to the head of the household, if any, of which that person is a member or, in Scotland, to the person who has his actual care and control.

Muzzling and leads.

7.—(1) In this Act—

(a) references to a dog being muzzled are to its being securely fitted with a muzzle sufficient to prevent it biting any person; and

(b) references to its being kept on a lead are to its being securely held on a lead by a person who is not less than sixteen years old.

(2) If the Secretary of State thinks it desirable to do so he may by order prescribe the kind of muzzle or lead to be used for the purpose of complying, in the case of a dog of any type, with section 1 or an order under section 2 above; and if a muzzle or lead of a particular kind is for the time being prescribed in relation to any type of dog the references in subsection (1) above to a muzzle or lead shall, in relation to any dog of that type, be construed as references to a muzzle or lead of that kind.

(3) The power to make an order under subsection (2) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

8. An Order in Council under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to the purposes of this Act—

Power to make corresponding provision for Northern Ireland. 1974 c. 28.

(a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but

(b) shall be subject to annulment in pursuance of a resolution of either House.

9. Any expenses incurred by the Secretary of State in consequence of this Act shall be paid out of money provided by Parliament.

Expenses.

10.—(1) This Act may be cited as the Dangerous Dogs Act 1991.

Short title, interpretation, commencement and extent.

(2) In this Act—

“advertisement” includes any means of bringing a matter to the attention of the public and “advertise” shall be construed accordingly;

“public place” means any street, road or other place (whether or not enclosed) to which the public have or are permitted to have access whether for payment or otherwise and includes the common parts of a building containing two or more separate dwellings.

(3) For the purposes of this Act a dog shall be regarded as dangerously out of control on any occasion on which there are grounds for reasonable apprehension that it will injure any person, whether or not it actually does so, but references to a dog injuring a person or there being grounds for reasonable apprehension that it will do so do not include references to any case in which the dog is being used for a lawful purpose by a constable or a person in the service of the Crown.

(4) Except for section 8, this Act shall not come into force until such day as the Secretary of State may appoint by an order made by statutory instrument and different days may be appointed for different provisions or different purposes.

(5) Except for section 8, this Act does not extend to Northern Ireland.

© Crown copyright 1996

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

Dd 5069114 9/99 56219 Job No. J0091867

1st Impression July 1991
6th Impression August 1999

Published by The Stationery Office Limited

and available from:

The Publications Centre

(Mail, telephone and fax orders only)

PO Box 276, London SW8 5DT

General enquiries *Lo-call* 0345 58 54 63

Order through the Parliamentary Hotline *Lo-call* 0345 02 34 74

Fax orders 01 71 873 8200

The Stationery Office Bookshops

123 Kingsway, London WC2B 6PQ

0171 242 6393 Fax 0171 242 6394

68-69 Bull Street, Birmingham B4 6AD

0121 236 9696 Fax 0121 236 9699

33 Wine Street, Bristol BS1 2BQ

0117 926 4306 Fax 0117 929 4515

9-21 Princess Street, Manchester M60 8AS

0161 834 7201 Fax 0161 833 0634

16 Arthur Street, Belfast BT1 4GD

01232 238451 Fax 01232 235401

The Stationery Office Oriel Bookshop

18-19 High Street, Cardiff CF1 2BZ

01222 395548 Fax 01222 384347

71 Lothian Road, Edinburgh EH3 9AZ

0870 606 55 66 Fax 0870 606 55 88

The Parliamentary Bookshop

12 Bridge Street, Parliament Square

London SW1A 2JX

Telephone orders 0171 219 3890

General enquiries 0171 219 3890

Fax orders 0171 219 3866

Accredited Agents

(see Yellow Pages)

and through good booksellers

ISBN 0-10-546591-7



9 780105 465911

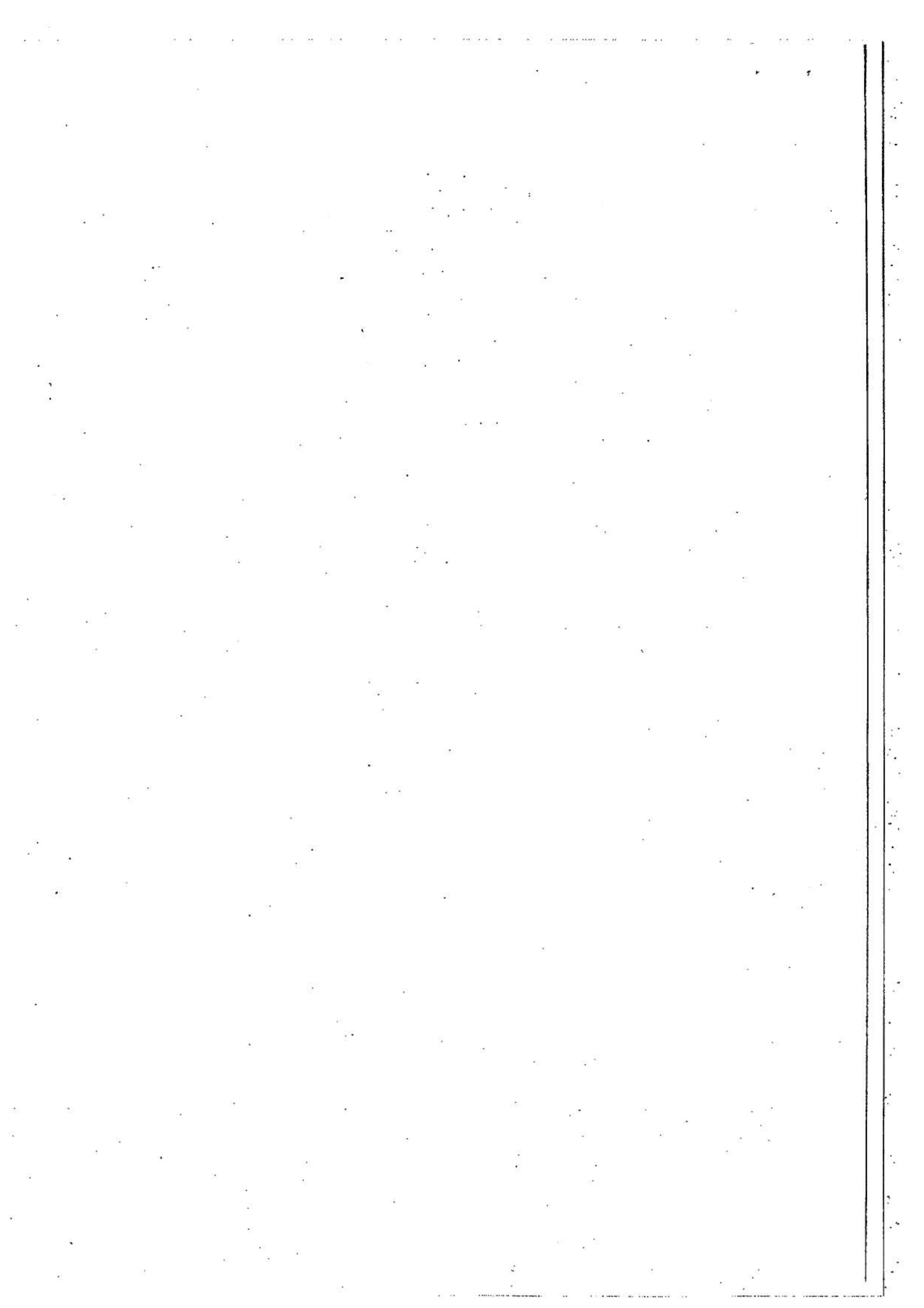


Dangerous Dogs Act 1991

CHAPTER 65

ARRANGEMENT OF SECTIONS

- Section
1. Dogs bred for fighting.
 2. Other specially dangerous dogs.
 3. Keeping dogs under proper control.
 4. Destruction and disqualification orders.
 5. Seizure, entry of premises and evidence.
 6. Dogs owned by young persons.
 7. Muzzling and leads.
 8. Power to make corresponding provision for Northern Ireland.
 9. Expenses.
 10. Short title, interpretation, commencement and extent.





Dangerous Dogs Act 1991

1991 CHAPTER 65

An Act to prohibit persons from having in their possession or custody dogs belonging to types bred for fighting; to impose restrictions in respect of such dogs pending the coming into force of the prohibition; to enable restrictions to be imposed in relation to other types of dog which present a serious danger to the public; to make further provision for securing that dogs are kept under proper control; and for connected purposes.

[25th July 1991]

BE IT 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:—

1.—(1) This section applies to—

- (a) any dog of the type known as the pit bull terrier;
- (b) any dog of the type known as the Japanese tosa; and
- (c) any dog of any type designated for the purposes of this section by an order of the Secretary of State, being a type appearing to him to be bred for fighting or to have the characteristics of a type bred for that purpose.

Dogs bred for fighting.

(2) No person shall—

- (a) breed, or breed from, a dog to which this section applies;
- (b) sell or exchange such a dog or offer, advertise or expose such a dog for sale or exchange;
- (c) make or offer to make a gift of such a dog or advertise or expose such a dog as a gift;
- (d) allow such a dog of which he is the owner or of which he is for the time being in charge to be in a public place without being muzzled and kept on a lead; or

(e) abandon such a dog of which he is the owner or, being the owner or for the time being in charge of such a dog, allow it to stray.

(3) After such day as the Secretary of State may by order appoint for the purposes of this subsection no person shall have any dog to which this section applies in his possession or custody except—

(a) in pursuance of the power of seizure conferred by the subsequent provisions of this Act; or

(b) in accordance with an order for its destruction made under those provisions;

but the Secretary of State shall by order make a scheme for the payment to the owners of such dogs who arrange for them to be destroyed before that day of sums specified in or determined under the scheme in respect of those dogs and the cost of their destruction.

(4) Subsection (2)(b) and (c) above shall not make unlawful anything done with a view to the dog in question being removed from the United Kingdom before the day appointed under subsection (3) above.

(5) The Secretary of State may by order provide that the prohibition in subsection (3) above shall not apply in such cases and subject to compliance with such conditions as are specified in the order and any such provision may take the form of a scheme of exemption containing such arrangements (including provision for the payment of charges or fees) as he thinks appropriate.

(6) A scheme under subsection (3) or (5) above may provide for specified functions under the scheme to be discharged by such persons or bodies as the Secretary of State thinks appropriate.

(7) Any person who contravenes this section is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both except that a person who publishes an advertisement in contravention of subsection (2)(b) or (c)—

(a) shall not on being convicted be liable to imprisonment if he shows that he published the advertisement to the order of someone else and did not himself devise it; and

(b) shall not be convicted if, in addition, he shows that he did not know and had no reasonable cause to suspect that it related to a dog to which this section applies.

(8) An order under subsection (1)(c) above adding dogs of any type to those to which this section applies may provide that subsections (3) and (4) above shall apply in relation to those dogs with the substitution for the day appointed under subsection (3) of a later day specified in the order.

(9) The power to make orders under this section shall be exercisable by statutory instrument which, in the case of an order under subsection (1) or (5) or an order containing a scheme under subsection (3), shall be subject to annulment in pursuance of a resolution of either House of Parliament.

2.—(1) If it appears to the Secretary of State that dogs of any type to which section 1 above does not apply present a serious danger to the public he may by order impose in relation to dogs of that type restrictions corresponding, with such modifications, if any, as he thinks appropriate, to all or any of those in subsection (2)(d) and (e) of that section.

Other specially dangerous dogs.

(2) An order under this section may provide for exceptions from any restriction imposed by the order in such cases and subject to compliance with such conditions as are specified in the order.

(3) An order under this section may contain such supplementary or transitional provisions as the Secretary of State thinks necessary or expedient and may create offences punishable on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

(4) In determining whether to make an order under this section in relation to dogs of any type and, if so, what the provisions of the order should be, the Secretary of State shall consult with such persons or bodies as appear to him to have relevant knowledge or experience, including a body concerned with animal welfare, a body concerned with veterinary science and practice and a body concerned with breeds of dogs.

(5) The power to make an order under this section shall be exercisable by statutory instrument and no such order shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

3.—(1) If a dog is dangerously out of control in a public place—

(a) the owner; and

(b) if different, the person for the time being in charge of the dog, is guilty of an offence, or, if the dog while so out of control injures any person, an aggravated offence, under this subsection.

Keeping dogs under proper control.

(2) In proceedings for an offence under subsection (1) above against a person who is the owner of a dog but was not at the material time in charge of it, it shall be a defence for the accused to prove that the dog was at the material time in the charge of a person whom he reasonably believed to be a fit and proper person to be in charge of it.

(3) If the owner or, if different, the person for the time being in charge of a dog allows it to enter a place which is not a public place but where it is not permitted to be and while it is there—

(a) it injures any person; or

(b) there are grounds for reasonable apprehension that it will do so, he is guilty of an offence, or, if the dog injures any person, an aggravated offence, under this subsection.

(4) A person guilty of an offence under subsection (1) or (3) above other than an aggravated offence is liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both; and a person guilty of an aggravated offence under either of those subsections is liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

1871 c.56.

(5) It is hereby declared for the avoidance of doubt that an order under section 2 of the Dogs Act 1871 (order on complaint that dog is dangerous and not kept under proper control)—

(a) may be made whether or not the dog is shown to have injured any person; and

(b) may specify the measures to be taken for keeping the dog under proper control, whether by muzzling, keeping on a lead, excluding it from specified places or otherwise.

(6) If it appears to a court on a complaint under section 2 of the said Act of 1871 that the dog to which the complaint relates is a male and would be less dangerous if neutered the court may under that section make an order requiring it to be neutered.

1989 c. 30.

(7) The reference in section 1(3) of the Dangerous Dogs Act 1989 (penalties) to failing to comply with an order under section 2 of the said Act of 1871 to keep a dog under proper control shall include a reference to failing to comply with any other order made under that section; but no order shall be made under that section by virtue of subsection (6) above where the matters complained of arose before the coming into force of that subsection.

Destruction and
disqualification
orders.

4.—(1) Where a person is convicted of an offence under section 1 or 3(1) or (3) above or of an offence under an order made under section 2 above the court—

(a) may order the destruction of any dog in respect of which the offence was committed and shall do so in the case of an offence under section 1 or an aggravated offence under section 3(1) or (3) above; and

(b) may order the offender to be disqualified, for such period as the court thinks fit, for having custody of a dog.

(2) Where a court makes an order under subsection (1)(a) above for the destruction of a dog owned by a person other than the offender, then, unless the order is one that the court is required to make, the owner may appeal to the Crown Court against the order.

(3) A dog shall not be destroyed pursuant to an order under subsection (1)(a) above—

(a) until the end of the period for giving notice of appeal against the conviction or, where the order was not one which the court was required to make, against the order; and

(b) if notice of appeal is given within that period, until the appeal is determined or withdrawn,

unless the offender and, in a case to which subsection (2) above applies, the owner of the dog give notice to the court that made the order that there is to be no appeal.

(4) Where a court makes an order under subsection (1)(a) above it may—

(a) appoint a person to undertake the destruction of the dog and require any person having custody of it to deliver it up for that purpose; and

- (b) order the offender to pay such sum as the court may determine to be the reasonable expenses of destroying the dog and of keeping it pending its destruction.

(5) Any sum ordered to be paid under subsection (4)(b) above shall be treated for the purposes of enforcement as if it were a fine imposed on conviction.

(6) Any person who is disqualified for having custody of a dog by virtue of an order under subsection (1)(b) above may, at any time after the end of the period of one year beginning with the date of the order, apply to the court that made it (or a magistrates' court acting for the same petty sessions area as that court) for a direction terminating the disqualification.

(7) On an application under subsection (6) above the court may—

- (a) having regard to the applicant's character, his conduct since the disqualification was imposed and any other circumstances of the case, grant or refuse the application; and
- (b) order the applicant to pay all or any part of the costs of the application;

and where an application in respect of an order is refused no further application in respect of that order shall be entertained if made before the end of the period of one year beginning with the date of the refusal.

(8) Any person who—

- (a) has custody of a dog in contravention of an order under subsection (1)(b) above; or
- (b) fails to comply with a requirement imposed on him under subsection (4)(a) above,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(9) In the application of this section to Scotland—

- (a) in subsection (2) for the words "Crown Court against the order" there shall be substituted the words "High Court of Justiciary against the order within the period of seven days beginning with the date of the order";
- (b) for subsection (3)(a) there shall be substituted—
“(a) until the end of the period of seven days beginning with the date of the order”;
- (c) for subsection (5) there shall be substituted—

“(5) Section 411 of the Criminal Procedure (Scotland) Act 1975 shall apply in relation to the recovery of sums ordered to be paid under subsection (4)(b) above as it applies to fines ordered to be recovered by civil diligence in pursuance of Part II of that Act.”; and

- (d) in subsection (6) the words “(or a magistrates' court acting for the same petty sessions area as that court)” shall be omitted.

5.—(1) A constable or an officer of a local authority authorised by it to exercise the powers conferred by this subsection may seize—

- (a) any dog which appears to him to be a dog to which section 1 above applies and which is in a public place—

Seizure, entry of premises and evidence.

(i) after the time when possession or custody of it has become unlawful by virtue of that section; or

(ii) before that time, without being muzzled and kept on a lead;

(b) any dog in a public place which appears to him to be a dog to which an order under section 2 above applies and in respect of which an offence against the order has been or is being committed; and

(c) any dog in a public place (whether or not one to which that section or such an order applies) which appears to him to be dangerously out of control.

(2) If a justice of the peace is satisfied by information on oath, or in Scotland a justice of the peace or sheriff is satisfied by evidence on oath, that there are reasonable grounds for believing—

(a) that an offence under any provision of this Act or of an order under section 2 above is being or has been committed; or

(b) that evidence of the commission of any such offence is to be found,

on any premises he may issue a warrant authorising a constable to enter those premises (using such force as is reasonably necessary) and to search them and seize any dog or other thing found there which is evidence of the commission of such an offence.

(3) A warrant issued under this section in Scotland shall be authority for opening lockfast places and may authorise persons named in the warrant to accompany a constable who is executing it.

(4) Where a dog is seized under subsection (1) or (2) above and it appears to a justice of the peace, or in Scotland a justice of the peace or sheriff, that no person has been or is to be prosecuted for an offence under this Act or an order under section 2 above in respect of that dog (whether because the owner cannot be found or for any other reason) he may order the destruction of the dog and shall do so if it is one to which section 1 above applies.

(5) If in any proceedings it is alleged by the prosecution that a dog is one to which section 1 or an order under section 2 above applies it shall be presumed that it is such a dog unless the contrary is shown by the accused by such evidence as the court considers sufficient; and the accused shall not be permitted to adduce such evidence unless he has given the prosecution notice of his intention to do so not later than the fourteenth day before that on which the evidence is to be adduced.

Dogs owned by young persons.

6. Where a dog is owned by a person who is less than sixteen years old any reference to its owner in section 1(2)(d) or (e) or 3 above shall include a reference to the head of the household, if any, of which that person is a member or, in Scotland, to the person who has his actual care and control.

Muzzling and leads.

7.—(1) In this Act—

(a) references to a dog being muzzled are to its being securely fitted with a muzzle sufficient to prevent it biting any person; and

(b) references to its being kept on a lead are to its being securely held on a lead by a person who is not less than sixteen years old.

(2) If the Secretary of State thinks it desirable to do so he may by order prescribe the kind of muzzle or lead to be used for the purpose of complying, in the case of a dog of any type, with section 1 or an order under section 2 above; and if a muzzle or lead of a particular kind is for the time being prescribed in relation to any type of dog the references in subsection (1) above to a muzzle or lead shall, in relation to any dog of that type, be construed as references to a muzzle or lead of that kind.

(3) The power to make an order under subsection (2) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

8. An Order in Council under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to the purposes of this Act—

Power to make corresponding provision for Northern Ireland. 1974 c. 28.

(a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but

(b) shall be subject to annulment in pursuance of a resolution of either House.

9. Any expenses incurred by the Secretary of State in consequence of this Act shall be paid out of money provided by Parliament.

Expenses.

10.—(1) This Act may be cited as the Dangerous Dogs Act 1991.

Short title, interpretation, commencement and extent.

(2) In this Act—

“advertisement” includes any means of bringing a matter to the attention of the public and “advertise” shall be construed accordingly;

“public place” means any street, road or other place (whether or not enclosed) to which the public have or are permitted to have access whether for payment or otherwise and includes the common parts of a building containing two or more separate dwellings.

(3) For the purposes of this Act a dog shall be regarded as dangerously out of control on any occasion on which there are grounds for reasonable apprehension that it will injure any person, whether or not it actually does so, but references to a dog injuring a person or there being grounds for reasonable apprehension that it will do so do not include references to any case in which the dog is being used for a lawful purpose by a constable or a person in the service of the Crown.

(4) Except for section 8, this Act shall not come into force until such day as the Secretary of State may appoint by an order made by statutory instrument and different days may be appointed for different provisions or different purposes.

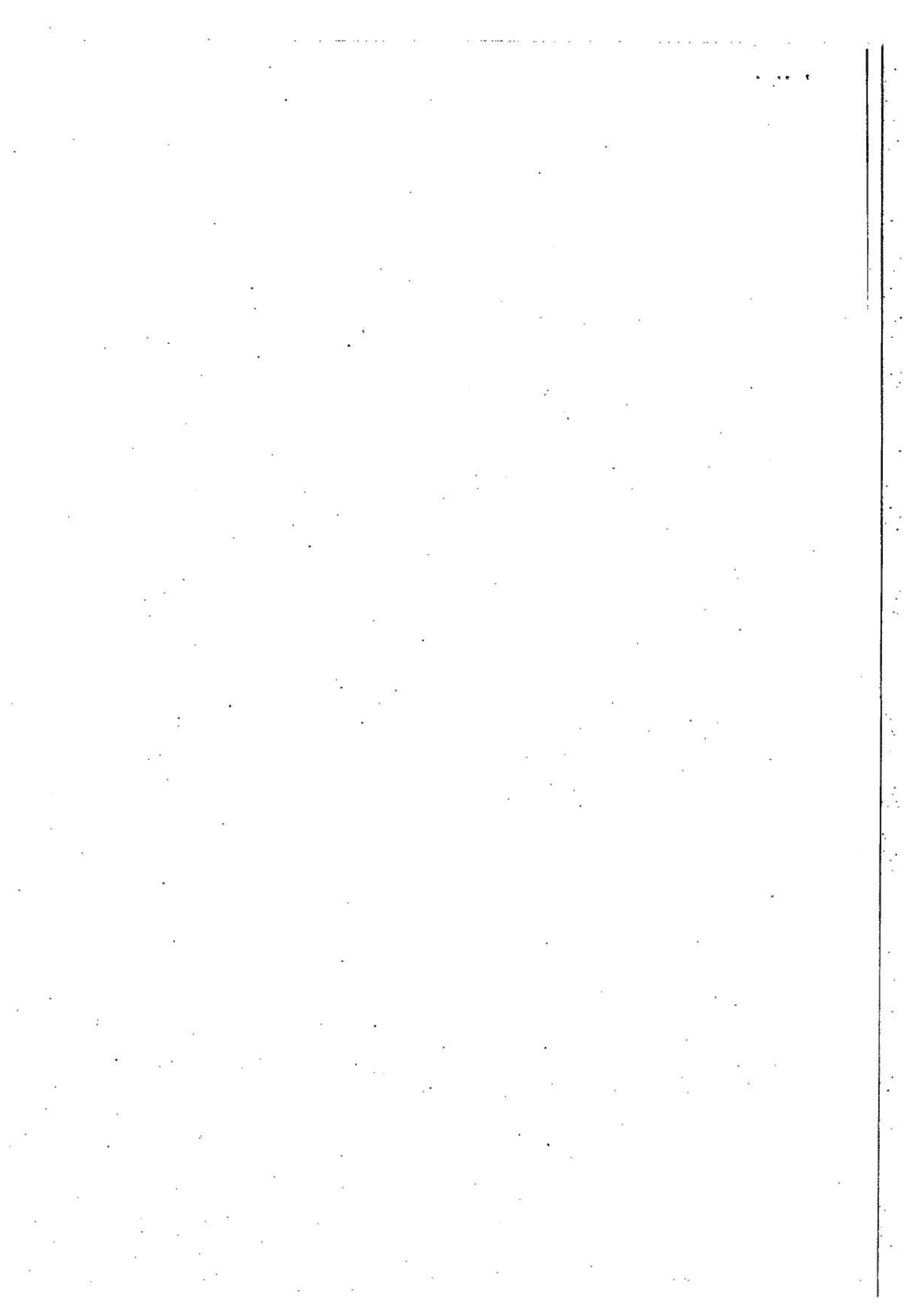
(5) Except for section 8, this Act does not extend to Northern Ireland.

© Crown copyright 1996

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

Dd 5069114 9/99 56219 Job No. J0091867

1st Impression July 1991
6th Impression August 1999



Published by The Stationery Office Limited

and available from:

The Publications Centre

(Mail, telephone and fax orders only)

PO Box 276, London SW8 5DT

General enquiries *Lo-call* 0345 58 54 63

Order through the Parliamentary Hotline *Lo-call* 0345 02 34 74

Fax orders 0171 873 8200

The Stationery Office Bookshops

123 Kingsway, London WC2B 8PQ

0171 242 6393 Fax 0171 242 6394

68-69 Bull Street, Birmingham B4 6AD

0121 236 9696 Fax 0121 236 9699

33 Wine Street, Bristol BS1 2BQ

0117 926 4306 Fax 0117 929 4515

9-21 Princess Street, Manchester M60 8AS

0161 834 7201 Fax 0161 833 0634

16 Arthur Street, Belfast BT1 4GD

01232 238451 Fax 01232 235401

The Stationery Office Oriol Bookshop

18-19 High Street, Cardiff CF1 2BZ

01222 395548 Fax 01222 384347

71 Lothian Road, Edinburgh EH3 9AZ

0870 606 55 66 Fax 0870 606 55 88

The Parliamentary Bookshop

12 Bridge Street, Parliament Square

London SW1A 2JX

Telephone orders 0171 219 3890

General enquiries 0171 219 3890

Fax orders 0171 219 3866

Accredited Agents

(see Yellow Pages)

and through good booksellers

ISBN 0-10-546591-7



9 780105 465911



Dangerous Dogs Act 1991 (c. 65)

1991 CHAPTER 65

ARRANGEMENT OF SECTIONS

1. Dogs bred for fighting.
2. Other specially dangerous dogs.
3. Keeping dogs under proper control.
4. Destruction and disqualification orders.
5. Seizure, entry of premises and evidence.
6. Dogs owned by young persons.
7. Muzzling and leads.
8. Power to make corresponding provision for Northern Ireland.
9. Expenses.
10. Short title, interpretation, commencement and extent.

An Act to prohibit persons from having in their possession or custody dogs belonging to types bred for fighting; to impose restrictions in respect of such dogs pending the coming into force of the prohibition; to enable restrictions to be imposed in relation to other types of dog which present a serious danger to the public; to make further provision for securing that dogs are kept under proper control; and for connected purposes.

[25th July 1991]

Be it 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:—

1 Dogs bred for fighting

(1) This section applies to—

- (a) any dog of the type known as the pit bull terrier;
- (b) any dog of the type known as the Japanese tosa; and
- (c) any dog of any type designated for the purposes of this section by an order of the Secretary of State, being a type appearing to him to be bred for fighting or to have the characteristics of a type bred for that purpose.

(2) No person shall—

- (a) breed, or breed from, a dog to which this section applies;
- (b) sell or exchange such a dog or offer, advertise or expose such a dog for sale or exchange;
- (c) make or offer to make a gift of such a dog or advertise or expose such a dog as a gift;

- (d) allow such a dog of which he is the owner or of which he is for the time being in charge to be in a public place without being muzzled and kept on a lead; or
 - (e) abandon such a dog of which he is the owner or, being the owner or for the time being in charge of such a dog, allow it to stray.
- (3) After such day as the Secretary of State may by order appoint for the purposes of this subsection no person shall have any dog to which this section applies in his possession or custody except—
- (a) in pursuance of the power of seizure conferred by the subsequent provisions of this Act; or
 - (b) in accordance with an order for its destruction made under those provisions;
- but the Secretary of State shall by order make a scheme for the payment to the owners of such dogs who arrange for them to be destroyed before that day of sums specified in or determined under the scheme in respect of those dogs and the cost of their destruction.
- (4) Subsection (2)(b) and (c) above shall not make unlawful anything done with a view to the dog in question being removed from the United Kingdom before the day appointed under subsection (3) above.
- (5) The Secretary of State may by order provide that the prohibition in subsection (3) above shall not apply in such cases and subject to compliance with such conditions as are specified in the order and any such provision may take the form of a scheme of exemption containing such arrangements (including provision for the payment of charges or fees) as he thinks appropriate.
- (6) A scheme under subsection (3) or (5) above may provide for specified functions under the scheme to be discharged by such persons or bodies as the Secretary of State thinks appropriate.
- (7) Any person who contravenes this section is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both except that a person who publishes an advertisement in contravention of subsection (2)(b) or (c)—
- (a) shall not on being convicted be liable to imprisonment if he shows that he published the advertisement to the order of someone else and did not himself devise it; and
 - (b) shall not be convicted if, in addition, he shows that he did not know and had no reasonable cause to suspect that it related to a dog to which this section applies.
- (8) An order under subsection (1)(c) above adding dogs of any type to those to which this section applies may provide that subsections (3) and (4) above shall apply in relation to those dogs with the substitution for the day appointed under subsection (3) of a later day specified in the order.
- (9) The power to make orders under this section shall be exercisable by statutory instrument which, in the case of an order under subsection (1) or (5) or an order containing a scheme under subsection (3), shall be subject to annulment in pursuance of a resolution of either House of Parliament.

2 Other specially dangerous dogs

- (1) If it appears to the Secretary of State that dogs of any type to which section 1 above does not apply present a serious danger to the public he may by order impose in relation to dogs of that type restrictions corresponding, with such modifications, if any, as he thinks appropriate, to all or any of those in subsection (2)(d) and (e) of that section.
- (2) An order under this section may provide for exceptions from any restriction imposed by the order in such cases and subject to compliance with such conditions as are specified in the order.
- (3) An order under this section may contain such supplementary or transitional provisions as the Secretary of State thinks necessary or expedient and may create offences punishable on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.
- (4) In determining whether to make an order under this section in relation to dogs of any type and, if so, what the provisions of the order should be, the Secretary of State shall consult with such persons or bodies as appear to him to have relevant knowledge or experience, including a body concerned with animal welfare, a body concerned with veterinary science and practice and a body concerned with breeds of dogs.
- (5) The power to make an order under this section shall be exercisable by statutory instrument and no such order shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

3 Keeping dogs under proper control

- (1) If a dog is dangerously out of control in a public place—
 - (a) the owner; and
 - (b) if different, the person for the time being in charge of the dog,
 is guilty of an offence, or, if the dog while so out of control injures any person, an aggravated offence, under this subsection.
- (2) In proceedings for an offence under subsection (1) above against a person who is the owner of a dog but was not at the material time in charge of it, it shall be a defence for the accused to prove that the dog was at the material time in the charge of a person whom he reasonably believed to be a fit and proper person to be in charge of it.
- (3) If the owner or, if different, the person for the time being in charge of a dog allows it to enter a place which is not a public place but where it is not permitted to be and while it is there—
 - (a) it injures any person; or
 - (b) there are grounds for reasonable apprehension that it will do so,
 he is guilty of an offence, or, if the dog injures any person, an aggravated offence, under this subsection.
- (4) A person guilty of an offence under subsection (1) or (3) above other than an aggravated offence is liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both; and a person guilty of an aggravated offence under either of those subsections is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.
- (5) It is hereby declared for the avoidance of doubt that an order under section 2 of the [1871 c. 56.] Dogs Act 1871 (order on complaint that dog is dangerous and not kept under proper control)—
 - (a) may be made whether or not the dog is shown to have injured any person; and
 - (b) may specify the measures to be taken for keeping the dog under proper control, whether by muzzling, keeping on a lead, excluding it from specified places or otherwise.
- (6) If it appears to a court on a complaint under section 2 of the said Act of 1871 that the dog to which the complaint relates is a male and would be less dangerous if neutered the court may under that section make an order requiring it to be neutered.
- (7) The reference in section 1(3) of the [1989 c. 30.] Dangerous Dogs Act 1989 (penalties) to failing to comply with an order under section 2 of the said Act of 1871 to keep a dog under proper control shall include a reference to failing to comply with any other order made under that section; but no order shall be made under that section by virtue of subsection (6) above where the matters complained of arose before the coming into force of that subsection.

4 Destruction and disqualification orders

- (1) Where a person is convicted of an offence under section 1 or 3(1) or (3) above or of an offence under an order made under section 2 above the court—
 - (a) may order the destruction of any dog in respect of which the offence was committed and shall do so in the case of an offence under section 1 or an aggravated offence under section 3(1) or (3) above; and
 - (b) may order the offender to be disqualified, for such period as the court thinks fit, for having custody of a dog.
- (2) Where a court makes an order under subsection (1)(a) above for the destruction of a dog owned by a person other than the offender, then, unless the order is one that the court is required to make, the owner may appeal to the Crown Court against the order.
- (3) A dog shall not be destroyed pursuant to an order under subsection (1)(a) above—
 - (a) until the end of the period for giving notice of appeal against the conviction or, where the order was not one which the court was required to make, against the order; and
 - (b) if notice of appeal is given within that period, until the appeal is determined or withdrawn, unless the offender and, in a case to which subsection (2) above applies, the owner of the dog give notice to the court that made the order that there is to be no appeal.
- (4) Where a court makes an order under subsection (1)(a) above it may—

- (a) appoint a person to undertake the destruction of the dog and require any person having custody of it to deliver it up for that purpose; and
 - (b) order the offender to pay such sum as the court may determine to be the reasonable expenses of destroying the dog and of keeping it pending its destruction.
- (5) Any sum ordered to be paid under subsection (4)(b) above shall be treated for the purposes of enforcement as if it were a fine imposed on conviction.
- (6) Any person who is disqualified for having custody of a dog by virtue of an order under subsection (1)(b) above may, at any time after the end of the period of one year beginning with the date of the order, apply to the court that made it (or a magistrates' court acting for the same petty sessions area as that court) for a direction terminating the disqualification.
- (7) On an application under subsection (6) above the court may—
- (a) having regard to the applicant's character, his conduct since the disqualification was imposed and any other circumstances of the case, grant or refuse the application; and
 - (b) order the applicant to pay all or any part of the costs of the application;
- and where an application in respect of an order is refused no further application in respect of that order shall be entertained if made before the end of the period of one year beginning with the date of the refusal.
- (8) Any person who—
- (a) has custody of a dog in contravention of an order under subsection (1)(b) above; or
 - (b) fails to comply with a requirement imposed on him under subsection (4)(a) above,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (9) In the application of this section to Scotland—
- (a) in subsection (2) for the words "Crown Court against the order" there shall be substituted the words "High Court of Justiciary against the order within the period of seven days beginning with the date of the order";
 - (b) for subsection (3)(a) there shall be substituted—
 - "(a) until the end of the period of seven days beginning with the date of the order";
 - (c) for subsection (5) there shall be substituted—
 - "(5) Section 411 of the [1975 c. 21.] Criminal Procedure (Scotland) Act 1975 shall apply in relation to the recovery of sums ordered to be paid under subsection (4)(b) above as it applies to fines ordered to be recovered by civil diligence in pursuance of Part II of that Act."; and
 - (d) in subsection (6) the words "(or a magistrates' court acting for the same petty sessions area as that court)" shall be omitted.

5 Seizure, entry of premises and evidence

- (1) A constable or an officer of a local authority authorised by it to exercise the powers conferred by this subsection may seize—
- (a) any dog which appears to him to be a dog to which section 1 above applies and which is in a public place—
 - (i) after the time when possession or custody of it has become unlawful by virtue of that section; or
 - (ii) before that time, without being muzzled and kept on a lead;
 - (b) any dog in a public place which appears to him to be a dog to which an order under section 2 above applies and in respect of which an offence against the order has been or is being committed; and
 - (c) any dog in a public place (whether or not one to which that section or such an order applies) which appears to him to be dangerously out of control.
- (2) If a justice of the peace is satisfied by information on oath, or in Scotland a justice of the peace or sheriff is satisfied by evidence on oath, that there are reasonable grounds for believing—
- (a) that an offence under any provision of this Act or of an order under section 2 above is being or has been committed; or
 - (b) that evidence of the commission of any such offence is to be found,

- (3) A warrant issued under this section in Scotland shall be authority for opening lockfast places and may authorise persons named in the warrant to accompany a constable who is executing it.
- (4) Where a dog is seized under subsection (1) or (2) above and it appears to a justice of the peace, or in Scotland a justice of the peace or sheriff, that no person has been or is to be prosecuted for an offence under this Act or an order under section 2 above in respect of that dog (whether because the owner cannot be found or for any other reason) he may order the destruction of the dog and shall do so if it is one to which section 1 above applies.
- (5) If in any proceedings it is alleged by the prosecution that a dog is one to which section 1 or an order under section 2 above applies it shall be presumed that it is such a dog unless the contrary is shown by the accused by such evidence as the court considers sufficient; and the accused shall not be permitted to adduce such evidence unless he has given the prosecution notice of his intention to do so not later than the fourteenth day before that on which the evidence is to be adduced.

6 Dogs owned by young persons

Where a dog is owned by a person who is less than sixteen years old any reference to its owner in section 1(2)(d) or (e) or 3 above shall include a reference to the head of the household, if any, of which that person is a member or, in Scotland, to the person who has his actual care and control.

7 Muzzling and leads

- (1) In this Act—
 - (a) references to a dog being muzzled are to its being securely fitted with a muzzle sufficient to prevent it biting any person; and
 - (b) references to its being kept on a lead are to its being securely held on a lead by a person who is not less than sixteen years old.
- (2) If the Secretary of State thinks it desirable to do so he may by order prescribe the kind of muzzle or lead to be used for the purpose of complying, in the case of a dog of any type, with section 1 or an order under section 2 above; and if a muzzle or lead of a particular kind is for the time being prescribed in relation to any type of dog the references in subsection (1) above to a muzzle or lead shall, in relation to any dog of that type, be construed as references to a muzzle or lead of that kind.
- (3) The power to make an order under subsection (2) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

8 Power to make corresponding provision for Northern Ireland

An Order in Council under paragraph 1(1)(b) of Schedule 1 to the [1974 c. 28.] Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to the purposes of this Act—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
- (b) shall be subject to annulment in pursuance of a resolution of either House.

9 Expenses

Any expenses incurred by the Secretary of State in consequence of this Act shall be paid out of money provided by Parliament.

10 Short title, interpretation, commencement and extent

- (1) This Act may be cited as the Dangerous Dogs Act 1991.
- (2) In this Act—

“advertisement” includes any means of bringing a matter to the attention of the public and “advertise” shall be construed accordingly;

“public place” means any street, road or other place (whether or not enclosed) to which the public have or are permitted to have access whether for payment or otherwise and includes the common parts of a building containing two or more separate dwellings.
- (3) For the purposes of this Act a dog shall be regarded as dangerously out of control on any

occasion on which there are grounds for reasonable apprehension that it will injure any person, whether or not it actually does so, but references to a dog injuring a person or there being grounds for reasonable apprehension that it will do so do not include references to any case in which the dog is being used for a lawful purpose by a constable or a person in the service of the Crown.

- (4) Except for section 8, this Act shall not come into force until such day as the Secretary of State may appoint by an order made by statutory instrument and different days may be appointed for different provisions or different purposes.
- (5) Except for section 8, this Act does not extend to Northern Ireland.



Dangerous Dogs (Amendment) Act 1997

1997 CHAPTER 53

ARRANGEMENT OF SECTIONS

1. Destruction orders.
2. Contingent destruction orders.
3. Destruction orders otherwise than on a conviction.
4. Extended application of 1991 Order.
5. Transitional provisions.
6. Short title, commencement and extent.

An Act to amend the Dangerous Dogs Act 1991; and for connected purposes.

[21st March 1997]

Be it 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:—

1 Destruction orders

- (1) In paragraph (a) of subsection (1) of section 4 (destruction and disqualification orders) of the [1991 c. 65.] Dangerous Dogs Act 1991 ("the 1991 Act"), after the words "committed and" there shall be inserted the words ", subject to subsection (1A) below,".
- (2) After that subsection there shall be inserted the following subsection—
 - "(1A) Nothing in subsection (1)(a) above shall require the court to order the destruction of a dog if the court is satisfied—
 - (a) that the dog would not constitute a danger to public safety; and
 - (b) where the dog was born before 30th November 1991 and is subject to the prohibition in section 1(3) above, that there is a good reason why the dog has not been exempted from that prohibition."
- (3) In subsection (2) of that section, the words "then, unless the order is one that the court is required to make" shall cease to have effect.
- (4) In subsection (3)(a) of that section, the words ", where the order was not one that the court was required to make" shall cease to have effect.

2 Contingent destruction orders

After section 4 of the 1991 Act there shall be inserted the following section—

***4A Contingent destruction orders**

(1) Where—

- (a) a person is convicted of an offence under section 1 above or an aggravated offence under section 3(1) or (3) above;
- (b) the court does not order the destruction of the dog under section 4(1)(a) above; and
- (c) in the case of an offence under section 1 above, the dog is subject to the prohibition in section 1(3) above,

the court shall order that, unless the dog is exempted from that prohibition within the requisite period, the dog shall be destroyed.

- (2) Where an order is made under subsection (1) above in respect of a dog, and the dog is not exempted from the prohibition in section 1(3) above within the requisite period, the court may extend that period.
- (3) Subject to subsection (2) above, the requisite period for the purposes of such an order is the period of two months beginning with the date of the order.
- (4) Where a person is convicted of an offence under section 3(1) or (3) above, the court may order that, unless the owner of the dog keeps it under proper control, the dog shall be destroyed.
- (5) An order under subsection (4) above—
 - (a) may specify the measures to be taken for keeping the dog under proper control, whether by muzzling, keeping on a lead, excluding it from specified places or otherwise; and
 - (b) if it appears to the court that the dog is a male and would be less dangerous if neutered, may require it to be neutered.
- (6) Subsections (2) to (4) of section 4 above shall apply in relation to an order under subsection (1) or (4) above as they apply in relation to an order under subsection (1)(a) of that section."

3 Destruction orders otherwise than on a conviction

- (1) After section 4A of the 1991 Act there shall be inserted the following section—

***4B Destruction orders otherwise than on a conviction**

- (1) Where a dog is seized under section 5(1) or (2) below and it appears to a justice of the peace, or in Scotland a justice of the peace or sheriff—
 - (a) that no person has been or is to be prosecuted for an offence under this Act or an order under section 2 above in respect of that dog (whether because the owner cannot be found or for any other reason); or
 - (b) that the dog cannot be released into the custody or possession of its owner without the owner contravening the prohibition in section 1(3) above,

he may order the destruction of the dog and, subject to subsection (2) below, shall do so if it is one to which section 1 above applies.
- (2) Nothing in subsection (1)(b) above shall require the justice or sheriff to order the destruction of a dog if he is satisfied—
 - (a) that the dog would not constitute a danger to public safety; and
 - (b) where the dog was born before 30th November 1991 and is subject to the prohibition in section 1(3) above, that there is a good reason why the dog has not been exempted from that prohibition.
- (3) Where in a case falling within subsection (1)(b) above the justice or sheriff does not order the destruction of the dog, he shall order that, unless the dog is exempted from the prohibition in section 1(3) above within the requisite period, the dog shall be destroyed.
- (4) Subsections (2) to (4) of section 4 above shall apply in relation to an order under subsection (1)(b) or (3) above as they apply in relation to an order under subsection (1)(a) of that section.

(5) Subsections (2) and (3) of section 4A above shall apply in relation to an order under subsection (3) above as they apply in relation to an order under subsection (1) of that section, except that the reference to the court in subsection (2) of that section shall be construed as a reference to the justice or sheriff."

(2) In section 5 of the 1991 Act (seizure, entry of premises and evidence), subsection (4) (which is superseded by this section) shall cease to have effect.

4 Extended application of 1991 Order

(1) Where an order is made under section 4A(1) or 4B(3) of the 1991 Act, Part III of the [S.I. 1991/1744.] Dangerous Dogs Compensation and Exemption Schemes Order 1991 (exemption scheme) shall have effect as if—

(a) any reference to the appointed day were a reference to the end of the requisite period within the meaning of section 4A or, as the case may be, section 4B of the 1991 Act;

(b) paragraph (a) of Article 4 and Article 6 were omitted; and

(c) the fee payable to the Agency under Article 9 were a fee of such amount as the Secretary of State may by order prescribe.

(2) The power to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

5 Transitional provisions

(1) This Act shall apply in relation to cases where proceedings have been instituted before, as well as after, the commencement of this Act.

(2) In a case where, before the commencement of this Act—

(a) the court has ordered the destruction of a dog in respect of which an offence under section 1, or an aggravated offence under section 3(1) or (3), of the 1991 Act has been committed, but

(b) the dog has not been destroyed,

that destruction order shall cease to have effect and the case shall be remitted to the court for reconsideration.

(3) Where a case is so remitted, the court may make any order in respect of the dog which it would have power to make if the person in question had been convicted of the offence after the commencement of this Act.

6 Short title, commencement and extent

(1) This Act may be cited as the Dangerous Dogs (Amendment) Act 1997.

(2) This Act does not extend to Northern Ireland.

(3) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.



News

NEWS RELEASE

Nobel House, 17 Smith Square, London SW1P 3JR
Out of hours telephone 020 7270 8960

Ref: 168/08
Date: 3 June 2008

Getting tough on irresponsible dog owners

The law on dangerous dogs will today be spelt out by Lord Rooker, Minister for Sustainable Food, Farming and Animal Health at the RSPCA Conference on Dogs.

Lord Rooker is publishing a Defra leaflet which provides clear, concise and accessible information regarding the law on dogs which are dangerously out of control and dogs which are banned

Lord Rooker said.

"The vast majority of dog owners are responsible and the vast majority of dogs are well behaved, but recent tragic cases of dog attacks underline why we need to give absolute clarity to anyone that owns a dog on their responsibilities under the law.

"This new leaflet explains to dog owners, and people who come into contact with dogs, how the law prevents irresponsible dog ownership.

"It is important that people understand the law as this may deter irresponsible dog owners from allowing their dogs to be dangerous."

The leaflet outlines the following key points:

Any dog is defined as dangerously out of control if it injures a person or if it behaves in a way that makes a person worried that it might injure them. The maximum penalty for allowing your dog to be dangerously out of control is two years imprisonment, or a fine, or both.

A control order can be obtained if a dog is judged to present a risk – even if it is in its own home or garden.

If a dog injures another person's animal and the owner of the animal reasonably believes they could be injured if they intervened, then the dog could be judged as being dangerously out of control and an offence may therefore be committed

If someone uses their dog to injure someone they could be charged with malicious wounding. The maximum penalty for this is five years imprisonment.

The leaflet also deals with the law on banned dogs. It explains that:

Four types of dog are banned - Pit Bull Terrier, Japanese Tosa, Dogo Argentino and Fila Brasileiro. Whether a dog is banned depends on what it looks like rather than the breed or name by which it is called. This is because the legislation refers to dogs which conform to a certain type and have particular characteristics, not specific breeds.

Defra's website has a full description and photographs of prohibited dogs.

It is against the law to own, breed from, sell, give away or abandon any banned dog.

The maximum penalty for possessing a banned dog is a fine of £5,000, or six months imprisonment, or

both.

A printable version of the leaflet is available on the Defra website at www.defra.gov.uk/animalh/welfare/domestic/dogs.htm

Defra is also currently working on a booklet to provide guidance on the law to those who are enforcing it, including the police and local authorities.

The public leaflet, in combination with the enforcers' document, is an essential part of Defra's strategy to promote the better enforcement of the law on dangerous dogs.

End

Public enquiries: 08459 335577
News releases available on our website:
www.defra.gov.uk
Defra's aim is sustainable development

Page published: 3 June 2008



Animal health and welfare

Animal welfare: The Control of Dogs

3 June 2008 – News release: Getting tough on irresponsible dog owners. A leaflet on 'Control of dogs, the law and you' is available.

It is an offence to own or keep any of the types of dog listed below, unless it is on the Index of Exempted Dogs and is in compliance with the requirements. In any event it is an offence to breed from, sell or exchange (even as a gift) such a dog, irrespective of whether it has been placed on the Index of Exempted Dogs. Page 3 of Annex A provides further details about the Index.



Section 1 of the Dangerous Dogs Act 1991 prohibits four types of dog:

- the Pit Bull Terrier
- the Japanese tosa
- the Dogo Argentino
- the Fila Brasileiro

The Dangerous Dogs (Amendment) Act 1997

It is important to note that, in the UK, dangerous dogs are classified by "type", not by breed label. This means that whether a dog is considered dangerous, and therefore prohibited, will depend on a judgment about its physical characteristics, and whether they match the description of a prohibited 'type'. This assessment of the physical characteristics is made by a court. A leaflet providing guidance on the physical characteristics that a court would consider in reaching its judgement can be found below.

The 1991 Act was amended by the Dangerous Dogs (Amendment) Act 1997. The 1997 Act removed the mandatory destruction order provisions of the 1991 Act by giving the courts discretion on sentencing, and re-opened the Index of Exempted Dogs for those prohibited dogs which the courts consider would not pose a risk to the public. Only courts can direct that a dog can be placed on the list of exempted dogs.

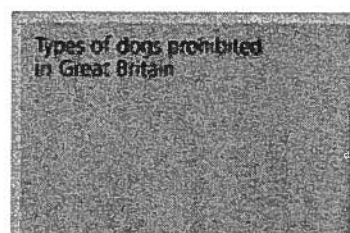
Section 3 of the 1991 Act created a new offence of being an owner of a dog of any type or breed which is dangerously out of control in a public place or a non-public place in which it is not permitted to be.

Information on Wolf-dog hybrids can be found on the Wildlife and Countryside pages of the Defra website.

Prohibited Types of Dog

Leaflet: Types of dog prohibited in Great Britain (PDF 239 KB) - Contains guidance on the types of dogs prohibited in Great Britain. It also explains the impact of the legislation on dogs being brought into Great Britain.

The leaflet is aimed at both enforcement agencies and members of the public who would like to bring their dog into Great Britain via the Pet



Travel Scheme (PETS) but are unsure whether their animal is banned from Great Britain.

Hard copies can be obtained from animal.welfareact@defra.gsi.gov.uk quoting product code PB8311.

Detailed guidance on the legislation was issued to police forces and the courts between 1991 and 1998 by the Home Office. The guidance issued can be found below (in PDF format):

[Home Office Notice \(69 KB\)](#)

[Home Office Circular 67/1991 \(245 KB\)](#)

[Home Office Circular 80/1992 \(113 KB\)](#)

[Home Office Circular 9/1994 \(86 KB\)](#)

[Home Office Circular 17/1997 \(71 KB\)](#)

[Home Office Circular 29/1997 \(111 KB\)](#)

[Home Office Circular 29/1998 \(77 KB\)](#)

Overseas legislation on prohibited types of dog

If you need to know the law on prohibited types of dogs in other countries, please contact the Embassy of the relevant country. Please note that you should contact the Embassy of the country concerned within the UK, rather than a British Embassy abroad. [Contact details of embassies in the UK](#) are available.

Dogs out of control in a public place

If a dog is dangerously out of control in a public place - then the owner or the person in charge of the dog is guilty of an offence, or, if the dog while so out of control injures any person, an aggravated offence under the Dangerous Dogs Act 1991. In proceedings against a person who is the owner of a dog but at the material time was not in charge of it, it should be a defence for the accused to prove that the dog was at the material time in the charge of a person whom he reasonably believed to be a fit and proper person to be in charge of it.

Section 10(2) of the 1991 Act defines a public place as meaning any street, road or other place to which the public have, or are permitted to have access. This is a wide definition of a public place and one which specifically includes the common parts of a building containing two or more dwellings. It is intended to cover, for instance, those parts of a block of flats where, although there may be a secure front entry door so that the interior of the flat is not a place to which the public has unrestricted access, nevertheless the common parts are, in all other respects, a public place.

A person found guilty of an offence may face imprisonment or a fine, and the courts may disqualify the offender from having custody of a dog for any period.

Other legislation

Under the **Town Police Clauses Act of 1847** it is an offence for any person in any street: to let an unmuzzled ferocious dog be at large so that it obstructs or annoys the residents or passengers in the street or puts them in danger; or to set on or to urge any dog to attack, worry or put in fear any person or animal. A dog will not be at large while it is held on a lead. The word 'street' here is given an extended meaning to include any road, square, court, alley, thoroughfare or public passage.

In the Metropolitan Police District a similar offence has been created by the **Metropolitan Police Act of 1839**. This differs only from the first part of the 1847 Act offence in that it is sufficient that an unmuzzled dog be at large (no obstruction, annoyance or danger need be shown), and that the place of the offence is described as any thoroughfare or public place.

Under the **Dogs Act 1871**, any person may make a complaint to a magistrates court that a dog is dangerous, or report the matter to the police. If the court is satisfied that a dog is dangerous and not kept under proper control, it may make an order for it to be controlled or destroyed.

The **Animals Act 1971** provides that the keeper of an animal is liable for any damage it causes, if he knows it was likely to cause such damage or injury unrestrained.

Dog Control Orders

Dog Control Orders replaced Dog Byelaws in April 2006. Existing byelaws remain in effect until such time as a dog control order for the same issue is made on the same land. [Further information on these Orders](#) is available here.

Using the legislation

Section 3(5) of the 1991 Act clarifies the application of the Dogs Act 1871. The strength of the 1871 Act is that as it is not part of the criminal law, it operates on a lower standard of proof and proceedings can be taken even when a criminal offence has not been committed. It provides a remedy in a wide range of circumstances for the destruction, or imposition of controls, on dangerous dogs. A particular advantage of the 1871 Act is the fact that it applies everywhere, even in and around a private house which is why it is particularly appropriate for action on behalf of people such as postmen and women who are regularly at risk from dogs in front gardens.

Section 3(5)(b) of the 1991 Act enables a court to make an order under the 1871 Act that a dog is in future muzzled, kept on a lead, tethered or is excluded from specified places. This is a flexible provision which can be used to deal with a number of nuisance complaints about dogs including circumstances where dogs in one back garden cause fear of risk or injury to neighbours in another. Section 3(6) enables the neutering of male dogs in addition to, or instead of, other measures or controls.

These laws, when applied individually or in combination, serve as a positive encouragement to the owners of all dogs to exercise safe control over their dogs.

Leaflet: [Control of Dogs, The Law and You](#) (PDF 600 KB)

To help people understand dangerous dogs law, Defra has produced a clear and concise leaflet - 'Control of Dogs, The Law and You' (PB13073). The leaflet gives an outline of the law governing the control of dogs.

Dogs and trespass

In civil law a dog owner is liable if he or she deliberately sends a dog on to another person's land in pursuit of game. A civil offence is also committed if a dog owner allows a dog to roam at large in the knowledge that it is likely to kill game. No entry on the land by the owner of the dog is necessary in order for the proceedings to succeed.

If a dog of its own accord enters land without permission but does no more, its owner is not liable under civil law for trespass; nor is it a criminal offence unless there is a contravention of regulations made under the Control of Dogs Order. Under civil law it is likely that the dog's owner would be liable for any damage which it is in the nature of a dog to commit.

It is an offence for a dog to be at large, ie not on a lead or otherwise under close control, in a field of sheep. Sheep dogs and police dogs are exempted from this provision.

Dogs worrying livestock

The Dogs (Protection of Livestock) Act 1953

Under the Dogs (Protection of Livestock) Act 1953 the owner and anyone else under whose control the dog is at the time will be guilty of an offence if it worries livestock on agricultural land. The dog must have been attacking or chasing livestock in such a way that it could reasonably be expected to cause injury or suffering or, in the case of females, abortion or the loss or diminution of their produce. An offence is not

committed if at the time of the worrying the livestock were trespassing, the dog belonged to the owner of the land on which the trespassing livestock were and the person in charge of the dog did not cause the dog to attack the livestock. The definition of 'livestock' includes cattle, sheep, goats, swine, horses and poultry. Game birds are not included.

The Animals Act 1971

Civil liability arises from the Animals Act 1971. Anyone who is the keeper of a dog that causes damage by killing or injuring livestock is liable for the damage caused. For the purposes of the Act the keeper is the owner or the person in possession of the dog. The head of the household is liable where the owner is under the age of 16.

The keeper of the dog is not liable where the damage is due wholly to the fault of the person suffering it or if the livestock were killed or injured on land onto which they had strayed and either the dog belonged to the occupier or its presence was authorised by the occupier.

Under the Act there is a defence available to someone who is the subject of civil proceedings for killing or injuring a dog that was worrying or about to worry livestock. The defence can be used where there were no other means of ending or preventing the worrying or where the dog that had done the worrying was still in the vicinity and not under control and there were no practicable means of establishing ownership.

The definition of livestock in the 1971 Act is wider than in the 1953 Act. Here it includes pheasants, partridges and grouse whilst in captivity.

Guard Dogs

Only section 1 of the Guard Dogs Act 1975 has ever entered into force. This means that all the other sections relating to a licensing scheme are not in force and neither are there any plans to do so. Section 1, which is in force, relates to the control of guard dogs.

Section 1 states:

(1) A person shall not use or permit the use of a guard dog at any premises unless a person ('the handler') who is capable of controlling the dog is present on the premises and the dog is under the control of the handler at all times while it is secured so that it is not at liberty to go freely about the premises.

(2) The handler of a guard dog shall keep the dog under his control at all times while it is being used as a guard dog at any premises except:

- (a) while another handler has control over the dog; or
- (b) while the dog is secured so that it is not at liberty to go freely about the premises.

(3) A person shall not use or permit the use of a guard dog at any premises unless a notice containing a warning that a guard dog is present is clearly exhibited at each entrance to the premises.

The owner of a guard dog may be liable for any injury to a person under s 2(2) of the Animals Act 1971, unless they come within one of the exceptions in s 5.

Types of dogs prohibited in Great Britain

Guidance on the recognition of
prohibited dogs in Great Britain



About Defra
www.defra.gov.uk


defra
Department for Environment
Food and Rural Affairs

Types of dogs prohibited in Great Britain

© Photographs of the Pit Bull Terrier, Dogo Argentino and Fila Brasileiro types kindly supplied by permission of Mr Pete Simms, Dog Unit Manager, Sussex Police Dog Unit.

© Photographs of the Japanese Tosa type kindly supplied by permission of Mr David Dalton.

Acknowledgements with thanks to the Metropolitan Police Dog Training Establishment for help in the production of this document.

Department for Environment, Food and Rural Affairs
Nobel House
17 Smith Square
London SW1P 3JR
Telephone 020 7238 6000
Website: www.defra.gov.uk

© Crown copyright 2003

Copyright in the typographical arrangement and design rests with the Crown.

This publication (excluding the logo) may be reproduced free of charge in any format or medium provided that it is reproduced accurately and not used in a misleading context. The material must be acknowledged as Crown copyright with the title and source of the publication specified.

Further copies of this publication are available from:

Defra Publications
Admail 6000
London
SW1A 2XX
Tel: 08459 556000

This document is also available on the Defra animal welfare website www.defra.gov.uk/animalh/welfare

Published by the Department for Environment, Food and Rural Affairs. Printed in the UK, March 2003, on material containing 80% post-consumer waste and 20% Total Chlorine Free pulp.

Product code PB 8311

Contents

| | Page |
|---|-------------|
| Introduction | 3 |
| Types of dog prohibited in Great Britain and the circumstances | 3 |
| Exemptions | 5 |
| Other dogs that may be affected | 5 |
| Frequently asked questions | 6 |
| Illustrations and description of the main characteristics of: | |
| Pit Bull Terrier type | 8 |
| Dogo Argentino type | 10 |
| Fila Brasileiro type | 12 |
| Japanese Tosa type | 14 |

Types of dogs prohibited in Great Britain

Introduction

This guide contains important information about prohibited dogs in Great Britain under the Dangerous Dogs Act 1991, as amended 1997 (this legislation does not apply to Northern Ireland). It is designed to help people identify the types of dogs prohibited in Great Britain and the relevant legislation.

The introduction of the Pet Travel Scheme has increased the need to provide guidance to those people whose work brings them into close contact with dogs, particularly when they enter the country.

This booklet is not intended as an explanatory note on the Dangerous Dogs Act 1991 (DDA). Detailed guidance was issued to police forces and the courts between 1991 and 1998 by the Home Office. Copies of these Home Office notices are available on the Defra website at www.defra.gov.uk

Types of dogs prohibited in Great Britain and the circumstances

The DDA bans ownership, breeding, sale and exchange and advertising for sale of specified types of fighting dogs.

The dogs covered by the ban (under section 1 of the DDA) are of the type known as:

- **Pit Bull Terrier**
- **Japanese Tosa**
- **Dogo Argentino**
- **Fila Brasileiro**

See page 5 for a definition of "type".

Other types of dogs can be added to the list by means of an order (Statutory Instrument) by direction of the Secretary of State.

The maximum penalty for illegal possession of a prohibited dog is a fine of £5,000 and/or 6 months' imprisonment. The dog may also be destroyed, though the courts have discretion (under the Dangerous Dogs (Amendment) Act 1997) to grant exemptions for seized dogs if in their view it would not compromise public safety (**Note** – exemptions – to be placed on the Index of Exempted Dogs – can only be granted by the courts, and only after dogs have been seized because offences have been committed).

|| 22
• •

Types of dogs prohibited in Great Britain

Exemptions

Immediately before the DDA came into force, owners of the dogs concerned could claim exemption from its banning provisions. This required entry of their dogs' details onto a central index (the Index of Exempted Dogs) and the issue of certificates of exemption.

Exemptions were only granted if stringent conditions were met. Exempted dogs have to be neutered, tattooed, and microchipped, and have to be on a lead and muzzled when in a public place. Owners have to maintain insurance against their dogs injuring third parties.

The DDA was amended in 1997 and one of the effects was to lift the mandatory destruction orders that courts applied to dogs found to be of those types prescribed under section 1. It is now possible for prohibited dogs to be added to the Index but only at the direction of a court and only if the necessary conditions are met (tattooing, microchipping, etc). No owner may "apply" to have their dog added to the Index – it is entirely a matter for the courts to decide whether a dog can be added to the Index.

Other dogs that may be affected

It is important to note the word "type", as none of the prohibited dogs are recognised breeds in Great Britain. The terms of section 1 of the DDA make it clear that it applies not only to "pure" Pit Bull Terriers but also to any dog of the type known as the Pit Bull Terrier.

Whether section 1 of the DDA applies to any particular cross will depend on whether the resulting dog is of the prohibited type – that is to say, whether it has the physical and behavioural characteristics of the prohibited type. Remember that the characteristics are essential in deciding whether or not the dog is prohibited. Not all Pit Bull Terriers will be described as a Pit Bull Terrier by their owner. Some owners may deliberately misrepresent the breed of their dog using terms such as American Staffordshire Terriers (Am Staffs or ASTs), American Bulldogs and the Presa Canaria. Other names used to describe the Pit Bull Terrier types may be Irish Staffordshire Bull Terriers (not to be confused with a Staffordshire Bull Terrier bred in Ireland), Old Fashioned Staffords or Traditional Staffords. There are likely to be other names being used by people breeding fighting dogs.

If a person arriving in this country produces paperwork that purports to prove that the dog is not a prohibited type it is necessary for the authorities to be cautious. Paperwork accompanying the dog should be detailed and comprehensive. Owners should be aware that if the dog displays the defining characteristics that are represented in the prohibited types the dog could be seized and its fate decided by the courts irrespective of the paperwork. It is therefore necessary to be very cautious when buying a dog that is not Kennel Club registered particularly if you are considering bringing a dog to this country from overseas.

If there is any doubt as to whether the dog in question could be considered to be of the prohibited type, the advice is NOT to bring it into this country.

Types of dogs prohibited in Great Britain

Frequently asked questions

- 1. Q. Will I be able to bring into Great Britain a dog designated as prohibited under section 1 of the 1991 Act, which is not on the register of exempted dogs?**

A. No. The only designated dogs permitted in Great Britain are those already in the country and registered on the Index of Exempted Dogs. Any other dog considered to be one of the prohibited types runs the risk of being seized and having its future decided by the courts. You could also face imprisonment and/or a fine for having possession of such a dog in the country. Please note this also applies to dogs that spend time in Great Britain during transit to other countries.
- 2. Q. Is it possible for a dog in the prohibited category to be registered as exempt, so as to possess it legally on a visit to Great Britain?**

A. No. New exemptions can only be authorised at the discretion of the courts once a dog has been seized in Great Britain, and then only in exceptional circumstances. It is not therefore possible to gain an exemption without bringing the dog into the country, thereby breaking the law, as well as running the risk of losing it and being prosecuted (see previous Answer). *Dogs of the prohibited type should simply not be brought into Great Britain under any circumstances, unless they are already on the Index of Exempted Dogs.*
- 3. Q. My dog is an American Staffordshire Terrier (Am Staff) and I have got the papers to prove it and I also have the necessary documentation for my dog to travel under the Pet Travel Scheme. Will it be allowed into the country?**

A. Our advice is not to bring an Am Staff into this country as we cannot guarantee that it will not be seized and its fate decided by a Court.
- 4. Q. Why were the four types of dogs prohibited?**

A. The prohibited types were all considered to have been bred specifically to be fighting dogs. Organised dog fighting is illegal in Great Britain. Under the Dangerous Dogs Act 1991 other types of dogs can be added to the prohibited list by Order in Council.

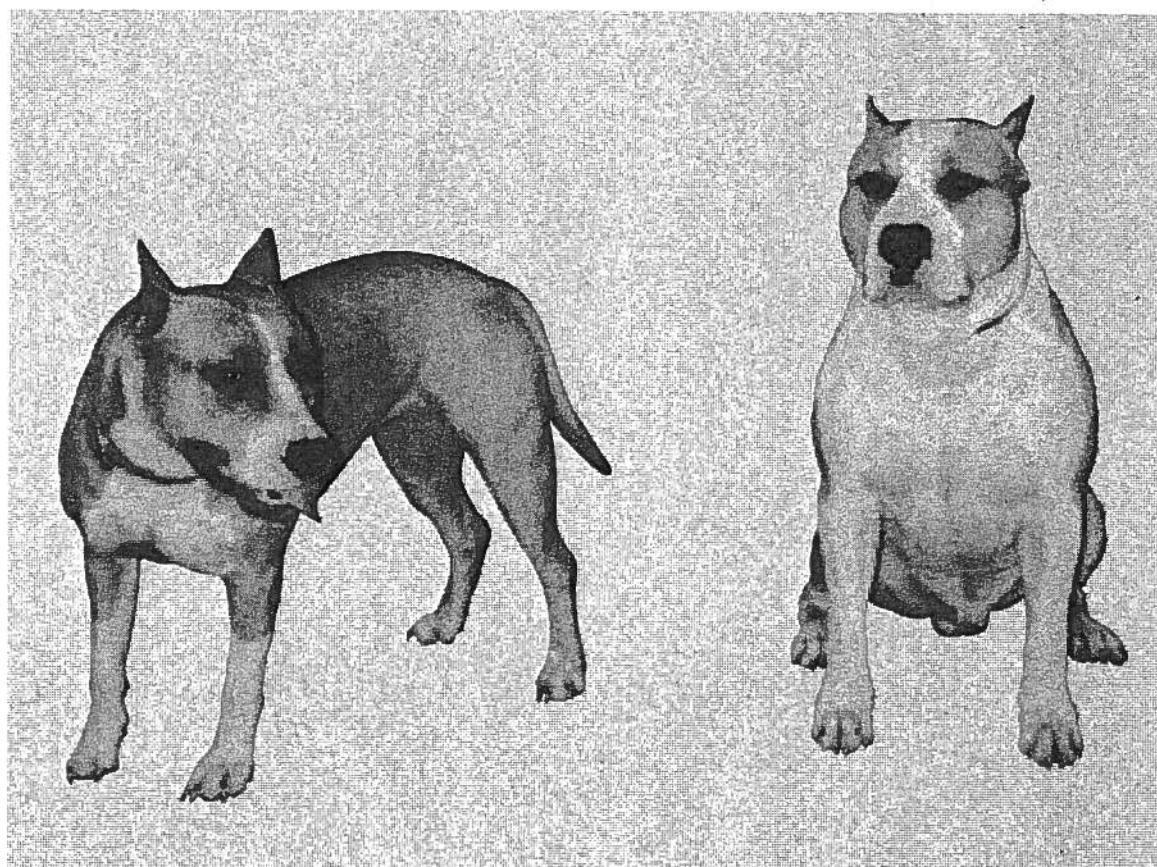
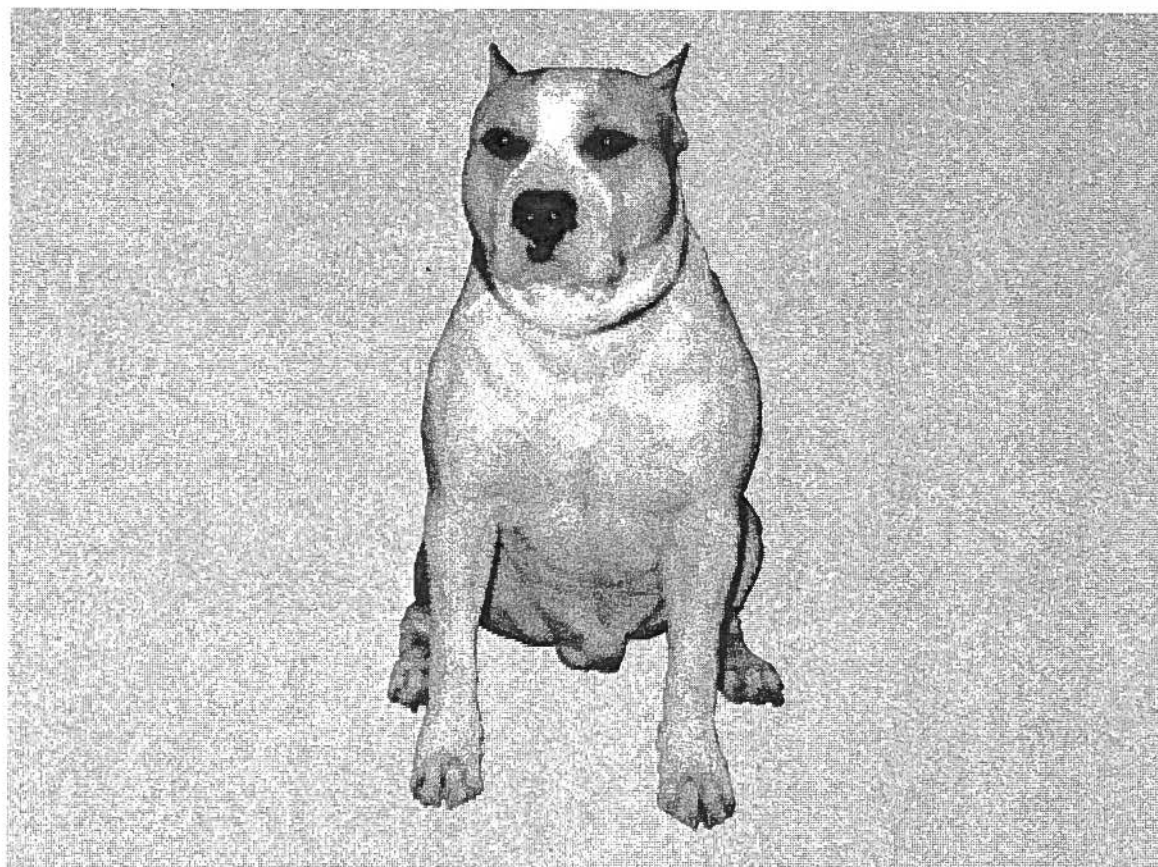
Types of dogs prohibited in Great Britain

5. Q. Can I take a prohibited type that is on the Index of Exempted Dogs abroad under the Pet Travel Scheme?
- A. Yes, provided that you have met all the conditions of the Pet Travel Scheme and all the conditions attached to possessing an exempted type under the Dangerous Dogs Act 1991. You must check with the country or countries that you are travelling to (or through) to see if there are any laws/regulations affecting your dog.

If you have any enquiries about prohibited dogs in Great Britain, please contact the Animal Welfare Division (Branch E), Defra, Area 506, 1A Page Street, London SW1P 4PQ. Tel: 020 7904 6286. Fax: 020 7904 6710.

If you have any enquiries about the Pet Travel Scheme, please contact:
tel: 0870 2411710, e-mail: pets.helpline@defra.gsi.gov.uk
website: www.defra.gov.uk/animalh/quarantine

Pit Bull Terrier type



Description of the main characteristics of the Pit Bull Terrier type

General Description

Muscular smooth-haired dog.

Has a square profile (ie as tall from the ground to the top of the shoulder and as long from point of shoulder to point of hip).

Height (average for both male and female) (shoulder): 45–55 cm.

Head

Should be wedge-shaped when viewed from the top or side and round when viewed from the front.

Broad jawbones.

Broad skull.

Strongly developed nostrils.

Strongly developed cheek and jaw muscles.

Muzzle

Not pointed.

Ears

Located high on skull.

Tips of ears fold forward or sideways or have been cropped.

No wrinkles.

Eyes

Elliptical when viewed from front.

Triangular when viewed from side.

Small and deep set.

Neck

Muscular all the way up to base of skull.

Chest

Broad.

Deep ribcage.

Ribs strongly curved tapering towards bottom.

Back

Muscular.

Broad sloping hips.

Broad loin.

Legs

Front legs are straight and give a massive, solid impression.

Hips are long and broad and continue on to become relatively long hind legs with a well-muscled thigh.

Coat

Single coat.

Short smooth haired but bristled to touch.

Can be any colour.

Tail

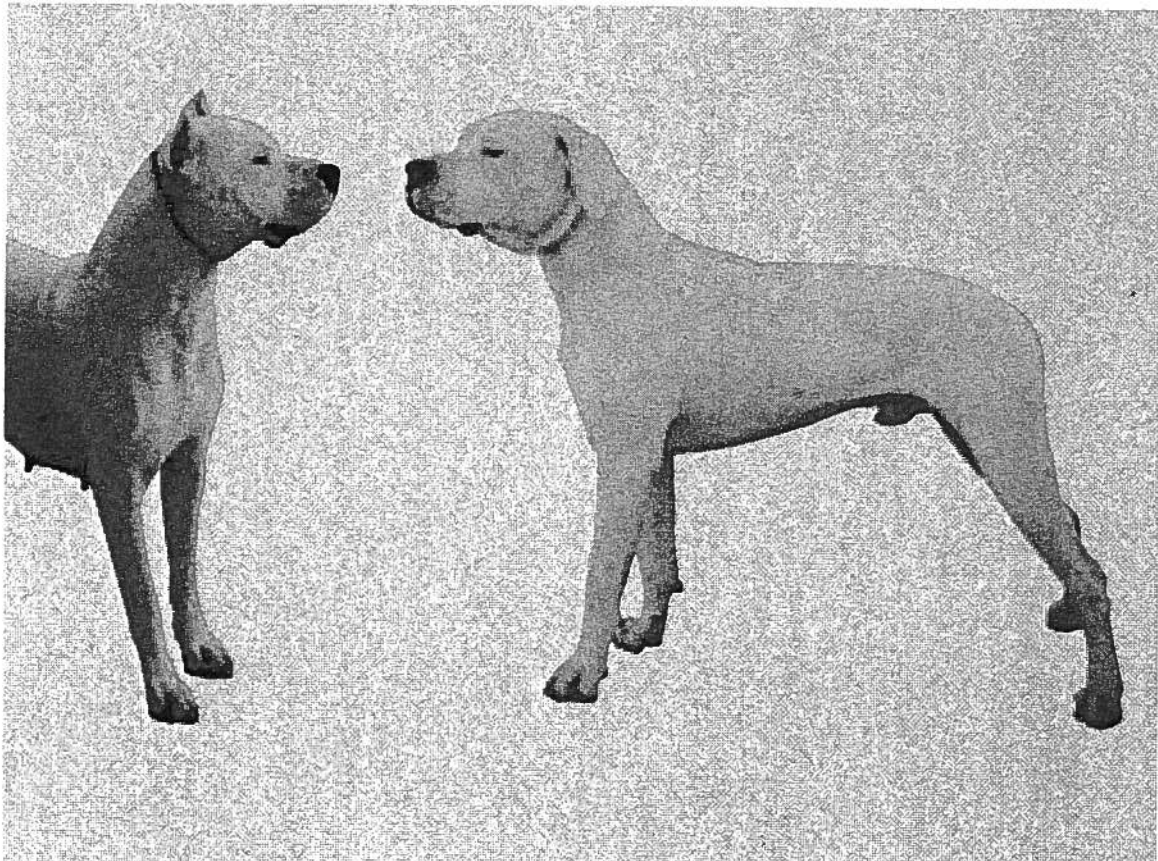
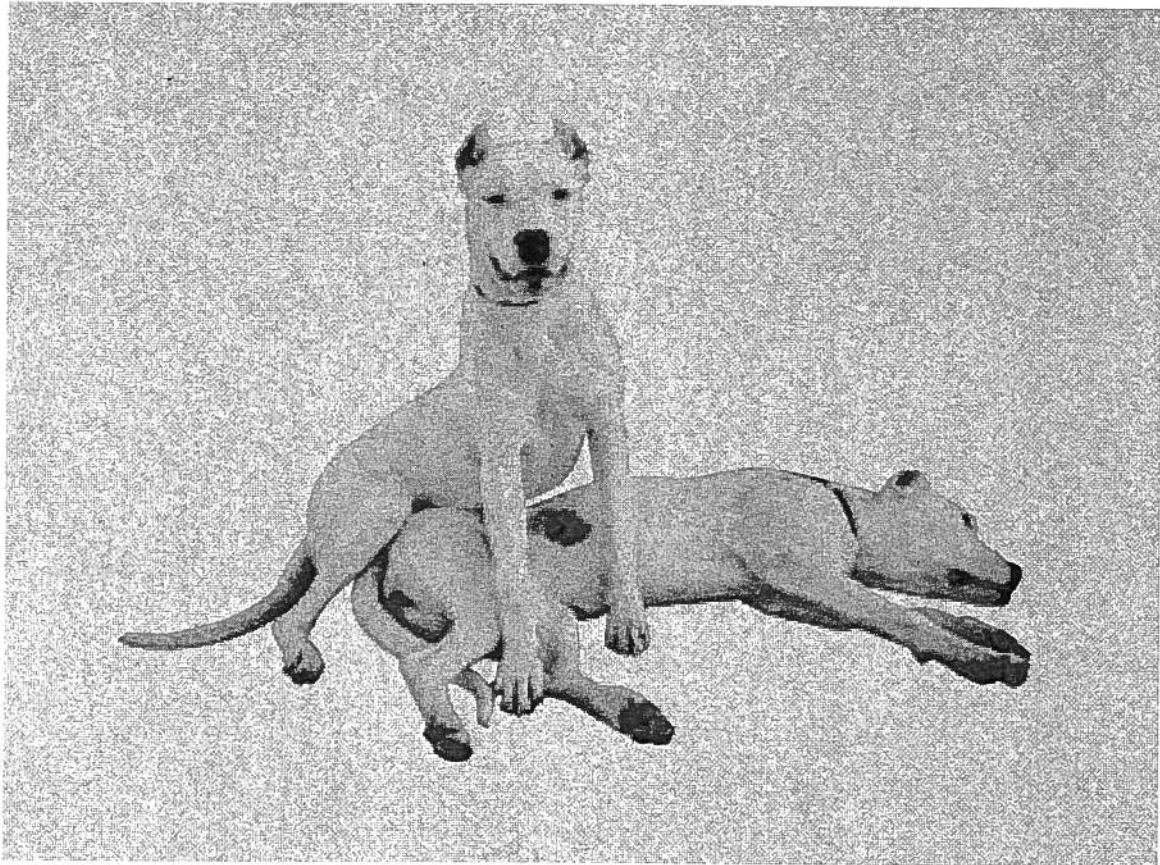
Located low down in hindquarters.

Thick at base tapering to point at end.

Narrows to a slender tip or has been docked.

Should hang like a pump handle when relaxed.

Dogo Argentino type



Description of the main characteristics of the Dogo Argentino type

General Description

Very strong, muscular dog.

Very muscular haunches.

High shoulders.

Height (shoulder):

62–68cm (male)

60–65cm (female).

Head

Massive, domed skull.

Powerful neck muscles.

Powerful jaws with large teeth.

Slightly upturned nose with black pigmentation.

Muzzle

Same length as the skull.

Ears

Set high on the head.

Eyes

Dark or hazel.

Widely-spaced.

Neck

Strong and arched.

With folds of skin.

Chest

Broad.

Deep.

Legs

The forelegs are straight and parallel with short, connected toes.

The upper thighs of the hind legs are very muscular.

Short pasterns with connected toes.

The hind legs are moderately angular.

Coat

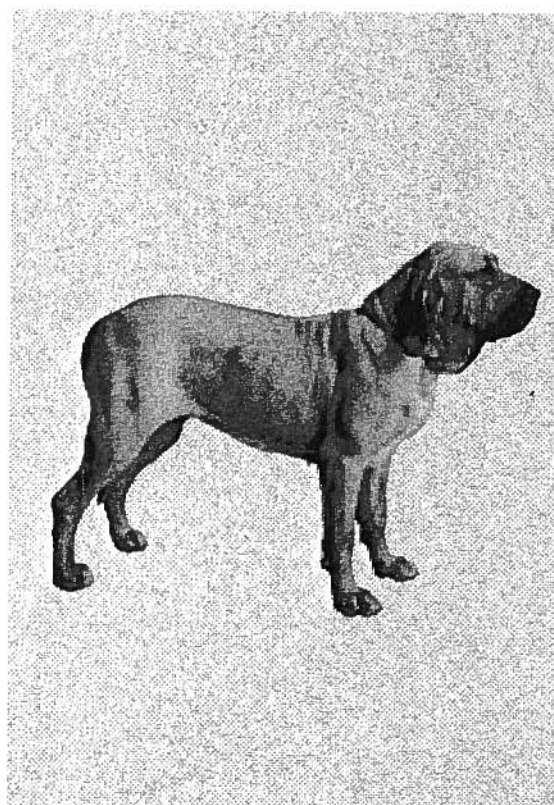
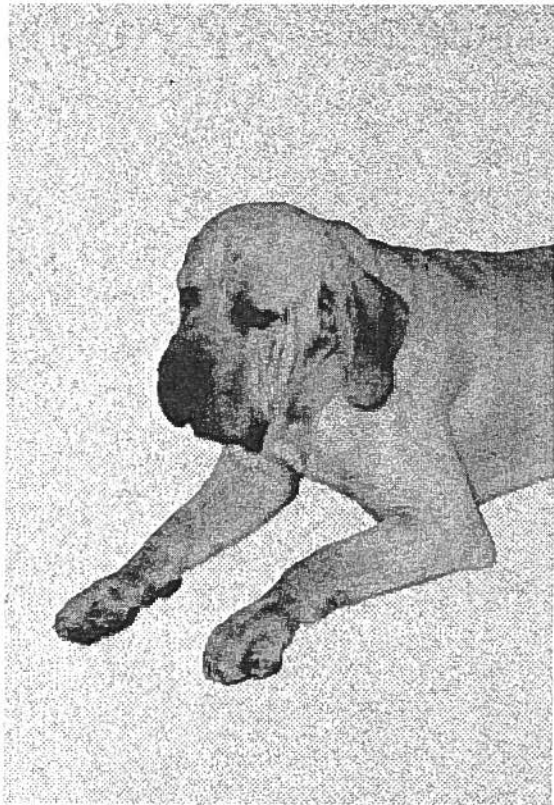
Short, stiff and glossy.

White coat, occasional colour marking around eyes.

Tail

Long and strong.

Fila Brasileiro type



Description of the main characteristics of the Fila Brasileiro type

General Description

A heavy-boned Molosser-type dog.
Rectangular, compact and massive.
A strong, broad and deep body.
Thick, loose skin over the whole body.
The chest is longer than the rump.
The body is as long as it is high.
Height (shoulder):
65–75cm (male)
60–70cm (female).

Head

Large and massive.
Snout and skull in proportion.
Large, broad skull.
No clear, visible stop.
Strong, broad teeth.
The area under eyes is broad.

Muzzle

Strong, broad and deep.

Ears

Pendulous, large and thick.
V-shaped with rounded tips.

Eyes

Almond-shaped, somewhat deep-set and average to large.
Protruding.

Neck

Strong, muscular neck, clearly separate from the skull.
Plenty of skin on the throat.

Chest

Deep.
Strongly-arched ribs.
Pronounced prosternum.

Legs

Parallel, with strong bones.
Strong, arched ribs.

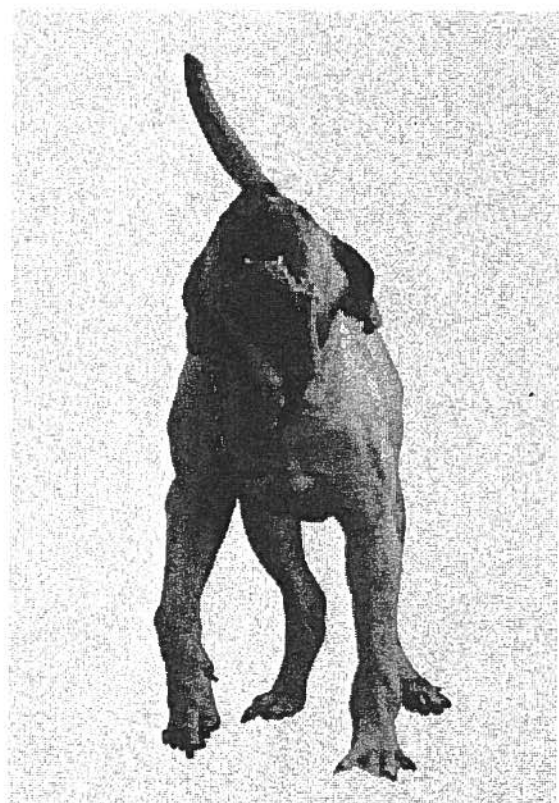
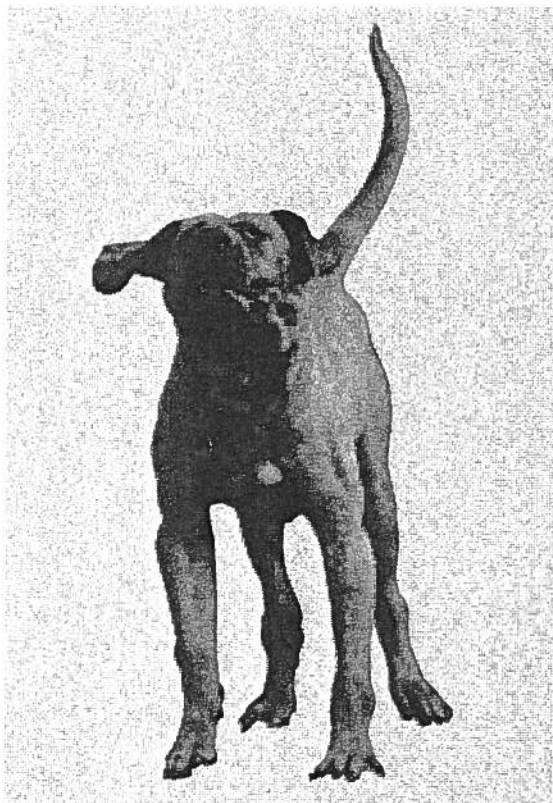
Coat

Short, soft and thick.

Tail

Very broad at the root.
Planted at average height.
Tapers as far as the hock.

Illustrations of the Japanese Tosa



Description of the main characteristics of the Japanese Tosa type (Tosa-Inu or Tosa-Ken)

General Description

Large, powerful, short-coated.
Slightly longer than height.
Thick and loose skin, especially at the neck.

Height (shoulder):
60cm+ (male)
55cm+ (female).

Head

Large, broad, block-style.
Wrinkled extending to dewlap.

Skull

Large, slightly arched and broad.

Muzzle

Box shaped, blunt and deep.
Powerful jaws.
Lips thick and dark.

Ears

V-shaped and dropped.
Sometimes darker than rest of skin.

Eyes

Brown, blue or occasionally yellow.
Round to almond shaped, set well apart.

Neck

Long and thick.
Muscular with dewlap.
Thick skin.

Legs

Straight and muscled.
Sturdy boned.
Forelegs set well apart.

Coat

Short and straight.
No specific colouring but usually either red, fawn, black, brindle or sometimes pied.

Tail

Thick at the base, tapering to the tip.
Pump handle shaped.

PB 8311

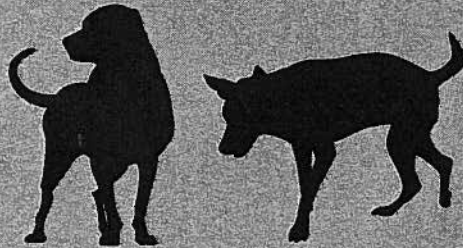
**Nobel House
17 Smith Square
London SW1P 3JR**

**About Defra
www.defra.gov.uk**



Control of Dogs, The Law and You

YOU COULD BE BREAKING THE LAW BY ALLOWING YOUR DOG TO BE DANGEROUSLY OUT OF CONTROL...



...AND SOME TYPES OF DOG ARE BANNED

WHAT IS MEANT BY DANGEROUSLY OUT OF CONTROL?

Any dog is dangerously out of control if:

- it injures a person, or
- it behaves in a way that makes a person worried that it might injure them.

The law applies everywhere the general public is allowed to go and anywhere your dog goes where it is not supposed to be.

The maximum penalty for allowing a dog you own or are in charge of to be dangerously out of control is two years' imprisonment, or a fine, or both.

In addition, if your dog is dangerously out of control in its own home or garden then the police or anyone else that is worried about the dog being a risk could also seek a control order.

If your dog injures another person's animal, or an owner of an animal reasonably believes that they could be injured if they intervened to protect their animal from your dog, then an offence may be committed.

If you do not keep your dog under control, your dog could be destroyed and you could be banned from keeping a dog. Or you might be ordered to keep your dog muzzled when taking it for a walk.

If you use your dog to injure someone then you may be charged with malicious wounding. The maximum penalty for this is five years' imprisonment.

WHAT IS A BANNED DOG?

Whether your dog is a banned type depends on what your dog actually looks like, rather than the breed or name by which it is called (whether a crossbreed or not).

The law refers to four kinds of dog which are banned:

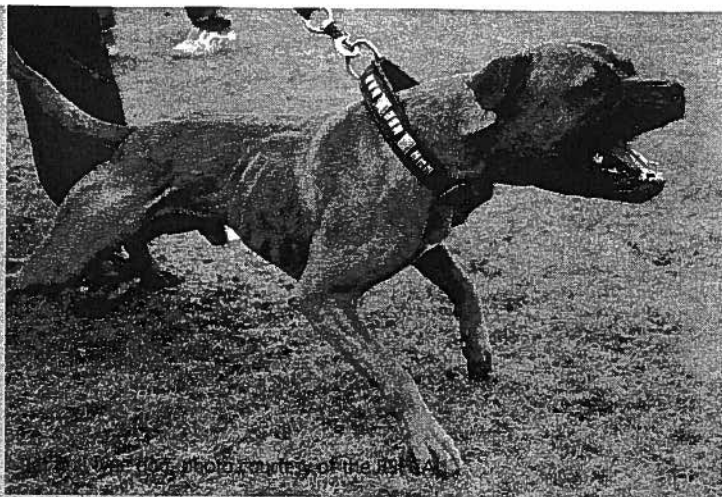
- Pit Bull Terrier
- Japanese Tosa
- Dogo Argentino
- Fila Brasileiro

While it is the characteristics of a dog which are most important in judging whether it is banned, such dogs may be called by a number of names.

Pit Bull type dogs can be called:

- American Staffordshire Terriers (Am Staffs)
- Irish Staffordshire Bull Terrier (ISBT)
- Irish Blue or Red Nose

Also, some kinds of American Bulldogs have been found to be Pit Bulls.



Descriptions of the banned types are on the Defra website. The address is at the bottom of this factsheet.

If your dog fits one of the descriptions, it may be treated as a banned type no matter what type or breed its parents were.

You may not own, breed from, sell, give away or abandon any banned dog. The police may seize your dog if they think it is a banned type.

The maximum penalty for possessing a banned dog is a fine of £5,000, or six months' imprisonment, or both.

Some of these dogs can be exempted from the ban, but only where a court gives permission for this. For more information about this exemption, please visit the Defra website.

WHO ENFORCES THE LAW?

- **The police**
Should be contacted concerning dangerous or banned dogs
- **The local authority**
Where a dog is causing a nuisance or appears to be a stray

For more information about the laws on dangerous dogs, go to www.defra.gov.uk/animalh/welfare/domestic/dogs.htm

or contact Defra on 08459 33 55 77

or by e-mail: helpline@defra.gsi.gov.uk



HOME OFFICE

Constitutional & Community Policy Directorate

Animals, Byelaws & Coroners Unit

Room 980, 50 Queen Anne's Gate, London SW1H 9AT

Tel: 0171 273 3777 Fax: 0171 273 2029

Reference: ANM/97 73/11/18

2 June 1997

To: The Chief Officer of Police (England and Wales)
The Chief Clerk of the Crown Court
The Justices' Chief Clerk
The Justices' Chief Executive
The Clerk to the Justices
The Chief Executive
County Councils } In England
District Councils }
London Borough Councils
Welsh Councils
The Town Clerk, City of London

Dear Sir/Madam

HOME OFFICE CIRCULAR 29/1997 DANGEROUS DOGS (AMENDMENT) ACT 1997

The 1997 Act amends the Dangerous Dogs Act 1991. Previous Circulars about that Act are referred to in Home Office Circular 22/1995.

2. This Circular is in two parts: Part I explains the provisions of the Dangerous Dogs (Amendment) Act 1997, and Part II sets out the arrangements where a court makes an order allowing a person to obtain a certificate of exemption in respect of a dog. The date of commencement of the 1997 Act is 8 June 1997.

3. Associated with the Dangerous Dogs (Amendment) Act 1997 are two statutory instruments: the Dangerous Dogs (Amendment) Act 1997 (Commencement) Order 1997 (SI 1997 No 1151), and the Dangerous Dogs (Fees) Order 1997 (SI 1997 No 1152).

PART I – THE DANGEROUS DOGS (AMENDMENT) ACT 1997

Section 1: Discretion in Sentencing

This section provides for the lifting of the mandatory destruction provisions contained in the 1991 Act.

4. Section 1(1) and (2) amend section 4(1)(a) of the 1991 Act and give the courts limited discretion in sentencing. The discretion is in favour of imposing a destruction

order unless the court considers it safe not to order destruction, ie the dog would not constitute a danger to public safety. In addition, in the case of a dog of the type designated under section 1 of the 1991 Act (a pit bull terrier, Japanese Tosa, Dogo Argentino or Fila Brasileiro) which was born before 30 November 1991, good reason has to be shown why a certificate of exemption was not obtained for the dog at that time.

5. The court should consider all circumstances in determining the fate of a dog in each case, but with the presumption of destruction unless these circumstances prove exceptional and the dog is judged not to be a further danger.

Section 2: Contingent Destruction Orders and Control Orders

This section allows a court to order the destruction of a dog if the owner fails to comply with a court to register the dog, and to specify measures for keeping a dog under proper control.

6. Section 2 inserts a new section 4A into the 1991 Act.

- (i) 4 A(1), (2) and (3) provide that where
 - a. a person is convicted an offence under section 1, or an aggravated offence under section 3 (1) or (3) of the 1991 Act,
 - b. the court does not order the destruction of the dog, and
 - c. the dog has been designated under section 1 of the 1991 Act,the court shall order that, unless a certificate of exemption is obtained for the dog within 2 months of the date of the order, the dog shall be destroyed. Where a certificate of exemption is not obtained within a period of two months, the court may extend the period.
- (ii) 4A(4) provides that where a person is convicted of an offence under section 3(1) or (3) of the 1991 Act (a dog being dangerously out of control) the court may order that unless the owner of the dog keeps it under proper control, the dog shall be destroyed.
- (iii) 4A(5) enables the court to make an order specifying the measures for keeping the dog under proper control such as muzzling and/or keeping on a lead, or excluding from specific places such as a school playground or particular recreation field. The court may also order that a male dog be neutered.

Section 3: Discretion in Sentencing in Certain Cases

This section provides for the lifting of the mandatory destruction provisions contained in section 5(4) of the 1991 Act (by replacing that section). The new section gives the courts limited discretion whether or not an order the destruction of the dog to be consistent with the discretionary provisions which are contained in section 1.

Section 3 also seeks to address cases in which proceedings have been either dismissed or discontinued and the dogs have not been returned to the owner either because a court has decided the dog is a designated type or the police believe it to be unregistered pit bull terrier.

7. Section 3 inserts new section 4B into the 1991 Act. The provision supersedes section 5(4) of the 1991 Act, which ceases to have effect.

- (i) 4B(1)(a) concerns the situation where a dog is seized under section 5(1) or (2) of the 1991 Act and no person has been or is to be prosecuted for an offence under the Act, including when the owner of the dog cannot be traced. In such cases, magistrates have a limited discretion in sentencing as set out in paragraphs 4 and 5 above. In a case where the owner of a dog cannot be traced and the court decides not to order destruction, consideration will have to be made in regard to who will be responsible for the dog.
- (ii) 4B(1)(b) concerns the situation where a dog which has been designated under section 1 of the 1991 Act cannot be released to its owner because there is no certificate of exemption for the dog. In such cases, magistrates have a limited discretion in sentencing as set out in paragraphs 4 and 5 above. In the case of a designated dog for which an order for destruction is not made, the magistrate must order that, unless a certificate of exemption is obtained for the dog within a period of two months, the dog shall be destroyed.

The police force or local authority holding the dog should initiate proceedings under this part of the 1997 Act.

8. It is important to not in considering cases under this section, that the same considerations apply as those set out in paragraphs 4 and 5 above.

Section 4: Scheme of Obtaining a Certificate of Exemption

This section relates to technical provisions with regard to re-opening the Index of Exempted Dogs.

9. Where a dog has been designated under section 1 of the 1991 Act and the court does not order the destruction of the dog, a certificate of exemption is required. The combined effect of 4(1)(a) and (b) is to provide an exemption scheme whereby, provided certain conditions are met, the owners of specially controlled dogs can obtain the appropriate certification. These conditions are that owners will have two months (unless the court extends the period) to comply with the requirements of certification. That is, to demonstrate that the dog has been neutered, tattooed and microchipped; to show third party insurance has been obtained; and to pay the appropriate fee to the Index of Exempted Dogs.

10. 4(1)(c) and (2) refer to the fee payable. Under the Dangerous Dogs (Fees) Order 1997 (SI 1152), the fee payable is £20 plus Value Added Tax, currently a total of £23.50.

Section 5: Retrospective Provisions

This section applies to cases where proceedings have been instituted before the 1997 Act came into force.

11. Where, before commencement of the 1997 Act, the court has ordered the destruction of a dog involving an offence under section 1, or an aggravated offence under section 3 (1) or (3) of the 1991 Act, but the dog has not been destroyed, the destruction order shall not take effect. Instead, the case must be remitted to the court for reconsideration. The court must determine the case in accordance with the provisions contained in the 1997 Act.

12. In these cases, it will be the responsibility of the police force or local authority which has custody to inform the prosecuting authorities to initiate the procedure for the case to be remitted for reconsideration.

Section 6: Coming Into Force

This section enabled the Secretary of State to appoint a day when the provision of the Act came into force.

13. Under the provisions of the Dangerous Dogs (Amendment) Act 1997 (Commencement) Order 1997 (SI 1997 No 1151), the date of commencement is 8 June 1997.

14. It should be noted, however, that the provisions of the Act will apply to cases where proceedings have been instituted before the Act came into force (paragraph 11 and 12 above refer).

PART II – OBTAINING A CERTIFICATE OF EXEMPTION

15. Sabrefame Limited has been appointed as the agency to operate the exemption scheme. Their address is – Index of Exempted Dogs, Post Office Box 47, Saffron Walden, Essex CB10 1YD, telephone 07000 783652.

16. The 1997 Act provides courts with limited discretion on whether to order the destruction of a designated dog which is not the subject of a certificate of exemption. Where a court makes an order to allow a dog to be exempted, it should send a copy of the order to the Index of Exempted Dogs. The court should provide the defendant and owner, if different from defendant, with written details of the address and telephone number of the Index of Exempted Dogs (as shown in paragraph 15), and advise the defendant to contact the Index of Exempted Dogs.

17. The Index of Exempted Dogs will send the defendant an information pack which sets out details of the exemption scheme.

18. A certificate of exemption will be issued by the Index of Exempted Dogs provided that the dog in question has been shown to have been:-

- (i) neutered or spayed;
- and (ii) tattooed with the special number which will be given on the application form;
- and (iii) permanently identified with an approved implanted chip (if the dog does not already have one);
- and (iv) covered by third party insurance to cover the owner against the dog causing the death of, or bodily injury to, a person.

In addition to the above requirements, the person applying for the certificate of exemption must pay the Index of Exempted dogs the administration fee set out in paragraph 10.

19. In cases where the dog is in the custody of the police or local authority, they may wish to have the first three of these requirements carried out whilst the dog is in custody. Alternatively, consideration should be given by the police or local authority to the temporary release of the dog to the owner. Prior to any release, the owner should produce evidence that the dog is covered by the third party insurance as set out in paragraph 18 (iv) above, and that an appointment has been made immediately with a veterinary surgeon. The defendant should be advised that when the dog is in a public place it must be muzzled and held on a lead by someone who is at least 16. The dog should be returned immediately to the custody of the police or local authority pending the issue of a certificate of exemption.

20. In any case where the conditions which are set out in paragraph 18 have not been completed within the requisite period (a period of two months from the date of the court order), the Index of Exempted Dogs will inform the court.

21. Any queries about this Circular may be addressed to:

Animal Welfare Section
Constitutional and Community Policy Directorate
Room 979
Home Office
50 Queen Anne's Gate
London SW1H 9AT

Telephone: 0171 273-3804 or 0171 273-2316

Fax: 0171 273-2029

The address and telephone number of the Index of Exempted Dogs is shown in paragraph 15 above.

Yours faithfully

R G EVANS
HEAD OF ANIMALS, BYELAWS & CORONERS UNIT

cc. The Clerk to the Police Authority
The Chairman of the Police Authority
The Clerk to the Magistrates' Courts Committee
The Circuit Administrator
The Courts Administrator
The Chief Prosecutor