

Dogs and the Law

As a responsible dog owner you should be aware of the laws that affect you and your dog.

Identification and Stray Dogs

The **Control of Dogs Order 1992** requires that every dog, while in a public place, wears a collar with the name and address of his owner inscribed on it or on a disc attached to it. If a collar is not worn when out in a public place, the dog may be seized by the police and treated as a stray. Also the owner, and any person in charge of the dog permitting him to be in a public place without a collar, will each be guilty of an offence and may be prosecuted and fined.

If your dog does stray, you should immediately contact your local dog warden (through the Environmental Health Department at your local council) and the local police station. Under the **Environmental Protection Act 1990**, dog wardens are obliged to seize stray dogs. The police have discretionary power to seize stray dogs under the Dogs Act 1906. They are entitled to charge you fees before they will give you the dog back.

The **Abandonment of Animals Act 1960** states that it is an offence to abandon any animal in circumstances likely to cause it unnecessary suffering. In one case the meaning of abandonment was defined as physically leaving the animal unattended in circumstances where suffering was likely and where there was sufficient evidence to prove that the defendant had relinquished, wholly disregarded or given up his duty to care for the animal.

If either the police or the dog warden seizes your dog, they are only required to keep it for seven clear days before legally being able to sell it, give it away or even have it destroyed. Therefore, if your dog strays, you should notify both the police and the dog warden immediately.

If a member of the public finds a stray dog they must return it to its owner, or take it to the local police or dog warden. If the finder wants to retain the dog, this will probably be allowed, provided they are considered to be capable of looking after a dog and they agree to keep it for at least 28 days. However, the original owner could still have a claim for the dog's return. Remember that it is illegal to take a found dog into your home without reporting it to the police first.

The Environmental Protection (Stray Dogs) Regulations 1992

These Regulations implement certain provisions of the Environmental Protection Act 1990 with regard to stray dogs.

The Regulations state that the local authority must appoint an officer for dealing with stray dogs found in the authority's area. An owner wishing to reclaim a dog which has strayed can only do so if he or she pays the authority's expenses incurred by detaining the dog, together with a fine. The fine amount is currently set at £25.

The Regulations also oblige the officer to keep a register of dogs seized by him or her, and the details that are to be entered in the register. The register must be

available for public inspection. The Regulations also describe the procedure to be followed by the officer where a dog is found by a member of the public who wishes to keep it.

More information:

http://www.opsi.gov.uk/si/si1992/Uksi_19920288_en_1.htm

Control of Your Dog and Responsible Dog Ownership

Town Police Clauses Act 1847 (outside London) and Metropolitan Police Act 1839 (London)

These Acts make it an offence to allow an unmuzzled, ferocious dog to be left at large, or for a person to set on or to urge any dog attack, worry or put in fear any person or animal in the street.

Dogs Act 1871

Under this Act a court may, upon complaint that a dog is dangerous and not kept under proper control, order the owner to keep him under proper control or to be destroyed.

Animals Act 1971

Under this Act a dog may be shot, without warning, by a farmer for worrying his livestock and the owner could face criminal prosecution for the same offence under the **Dogs (Protection of Livestock) Act 1953**.

Guard Dogs Act 1974 and 1975

It is an offence to use or permit the use of a guard dog on any premises unless the handler, who is capable of controlling him, is present on the premises and the dog is under control. The dog must be secured so that he is not at liberty to go about the premises. A warning that a guard dog is present must be clearly exhibited at each entrance to the premises.

Road Traffic Act 1988

This Act makes it an offence to have a dog on a designated road without the dog being held on a lead.

Dangerous Dogs Act (DDA) 1991

There are two main sections to this Act. Section 1 applies to four specific breeds of dog including 'the type of dog known as the pit bull terrier'. Owners of these breeds have to comply with certain legal requirements, including having their dog registered, neutered, microchipped and tattooed. One of the main problems with this law is that the pit bull terrier is not a recognised breed in the UK. As a result, many owners of cross breeds which resemble a pit bull terrier 'type' have been charged under the Act.

Section 3 applies to all dogs, making it a criminal offence to allow a dog to be 'dangerously out of control' in a public place, a place where it is not permitted to be and some other areas. 'Dangerously out of control' can be defined as if a dog injures someone or there are grounds for reasonable apprehension that it may do so. Something as simple as your dog chasing, barking at or jumping up at a person or child could bring a complaint, so ensure that your dog is under control at all times.

If your dog injures a person, it could be seized by the police and your penalty may include a prison sentence and/or a ban on keeping dogs. There is also an

automatic presumption that your dog will be destroyed (unless you can persuade the court that it is not a danger to the public, in which case it may be subject to a control order). You may also have to pay a fine, compensation and costs.

Owners found guilty under either section of the Act could have their dog destroyed, face the possibility of six months in prison and/or a fine not exceeding level 5 (at present up to £5,000).

For more information:

http://www.opsi.gov.uk/acts/acts1991/Ukpga_19910065_en_1.htm

Clean Neighbourhoods and Environment Act 2005

This Act allows local authorities to designate areas of land where dogs must be kept on leads, or where dogs are excluded and also place limits on the number of dogs walked by a single person.

Local authorities also have the power to introduce and enforce dog fouling byelaws under which a person in charge of a dog can be heavily fined for allowing dogs to foul in a public place. This designated land may include roads, parks and other public areas within the local authority's boundaries; in fact any land which is open to the air and to which the public are permitted to have access.

An offence is committed if a person in charge of a dog fails to clean up its faeces. It is no defence to claim ignorance of the dog's actions, ignorance of the law, or not to have a device available to remove the faeces. This could result in a prosecution and fine.

Owners will be prosecuted if they allow their dog to foul and do not clear up in designated areas (**Dog Fouling of the Land Act 1996**). Carry poop scoop bags with you at all times.

Byelaws

Make sure you are aware of local byelaws.

Byelaws are often implemented by local authorities that make it an offence for your dog to be on a road without it being on a lead. The **Road Traffic Act 1988** states that dogs have to be kept on a lead on a designated highway. Enquire from your highways authority as to which roads are designated.

Car Travel

According to the **Road Traffic Act 1988**, dogs travelling in vehicles should not be a nuisance or in any way distract the driver during a journey.

Under the same act, if a dog is injured in a car accident, the driver must stop and give his/her details to the person in charge of the dog. If there is no person in charge of the dog, the incident must be reported to the police no longer than 24 hours later.

Countryside Code

Remember the Countryside Code when out walking with your dog. This states that dogs must be kept under proper control at all times and they must be on a lead where there is livestock around.

Damage

You could be liable for damage caused by your dog. It is highly advisable to have third party liability insurance cover and (preferably) pet health insurance as well.

Noisy Dogs

If your dog's barking causes a serious nuisance to your neighbours, the local authority can serve a noise abatement notice, which if unheeded can result in you paying fines and legal expenses. Under the **Clean Neighbourhoods & Environment Act 2005** dog control orders may be invoked by local authorities. Therefore, local byelaws may exist to provide that a person may not keep a noisy dog or dogs in any house, building or premises.

Protection of Animals

The Protection of Animals Act 1911

You are required to provide necessary care and attention to your dog. This Act makes it an offence to cruelly beat, kick, ill treat, torture, infuriate or terrify any animal. It is also an offence by action or omission to cause unnecessary suffering, or, being the owner, permit any unnecessary suffering to be caused to the animal. This Act was amended to allow an owner to be banned from keeping a dog either for life or for such a period as the court thinks fit.

Abandonment of Animals Act 1960

This Act extends the definition of cruelty to include abandonment of an animal in circumstances likely to cause it unnecessary suffering.

Dog Control Orders

The Government has announced that from 6th April 2006 Councils will have the power to create Dog Control Orders (DCO's) which may be applied to specified areas of land. These will relate to:

- ❁ Failing to remove dog faeces
- ❁ Not keeping a dog on a lead (the length of which can be specified)
- ❁ Not putting and keeping a dog on a lead when directed to by an authorised officer (again, the length of lead can be specified)
- ❁ Permitting a dog to enter land from which dogs are excluded
- ❁ Taking more than a specified number of dogs onto land

Consultation must be undertaken before a DCO (Dog Control Order) is made, so you should check local newspapers for notices inviting comments, or with your local council.

A Breach of a DCO may lead to a Fixed Penalty Notice or a prosecution which could lead to a fine of up to £1,000.

Other Laws you may wish to research further:

- ❁ Animal Boarding Establishments Act 1963
- ❁ Animal Welfare Bill
- ❁ Breeding and Sale of Dogs (Welfare) Act 1999
- ❁ The Performing Animals Act 1925