



Dangerous Dogs Act 1991

CHAPTER 65

ARRANGEMENT OF SECTIONS

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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.

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