

**Objective for Future 'Dangerous Dogs' Legislation
By the Dangerous Dogs Act Study Group¹**

Introduction

The issue of dangerous dogs and protecting the public has been one that has posed a problem for legislators for many years. Legislation concerning this dates back to 1871 with the Dogs Act. This provides for any person to make a complaint to a Magistrate's court that a dog is dangerous or report the matter to the police. If the court is satisfied that the dog is dangerous and is not being kept under proper control then it may make an order for it to be kept by the owner under proper control or destroyed.

More recently the implementation of the Dangerous Dogs Act 1991 as amended has had a significant effect on the welfare of some dogs, which have either been kept in kennels for many years or euthanased simply because of their breed or type. Additionally, it has not prevented a large number of dog attacks or reduced the number of Pit Bull Terrier type dogs in the UK. Statistics on dog attacks have not reduced since that Act was introduced and in fact, the number of hospitalisations is reported as having doubled.

For these reasons the Dangerous Dogs Act Study Group (DDASG), a wide-ranging group representing animal welfare, local authorities, police and veterinary professional organisations, has been considering the issue and believes future legislation needs to better protect the public against dogs dangerously out of control without compromising any individual dog's welfare. The Group considers the following proposals to be balanced, and (if implemented as intended) believes they should help to prevent attacks on people and animals occurring in the future – therefore protecting both the safety of the public and the welfare of dogs.

Objective

To better protect the public without compromising dogs' welfare by the introduction of a 'Control of Dogs Act' to incorporate the better aspects of the Dogs Act 1871 and the Dangerous Dogs Act 1991 as amended but ultimately repeal them, as they are widely criticised for their deficiencies.

¹ DDASG includes representation from: Battersea Dogs & Cats Home, Blue Cross, British Veterinary Association, Dogs Trust, the Kennel Club, the Metropolitan Police, Royal College of Veterinary Surgeons, RSPCA, Wandsworth Borough Council and Wood Green Animal Shelters.

Justification

New legislation is required to better protect the public.

The Dangerous Dogs Act 1991 as amended has failed because:

- Section 3 only applies after an incident has taken place, rather than operating on a preventative basis;
- Section 3 only applies when the dog is in a public place, or a private place where it is not permitted to be (so that persons entering a private place where the dog is permitted to be have no protection);
- Section 3 only applies to dogs that have acted dangerously towards people;
- The Act has cost the Police much of their vital resources – it has cost millions of pounds in kennelling associated costs since it came into force;
- There is no provision for an owner to apply to a Court for a seized dog to be returned;
- Section 1 predicts a dog's behaviour based on its physical conformation when this is not possible. This is why Section 1 dogs placed on the Index of Exempted Dogs have never been proven dangerous, and why dogs of breeds or types other than those prohibited have been involved in dog attacks.

The Dogs Act 1871 has failed because:

- There is no power of seizure;
- If an owner transfers the dog to someone else prior to a Court hearing, they may be able to avoid the proceedings;
- The Court has no power to require the owner to pay compensation.

Proposal

- Low level incidents should be dealt with by a staged approach of Control Orders, where necessary through the Courts. These should be used where the dog has, for instance, shown aggression, caused an injury to another animal, caused harm, or caused a person to reasonably believe it will cause harm; Any person could make a complaint to the Court (to reduce costs to the public purse).
- Retain the offence to deal with serious aggression e.g. a dog that causes a serious injury, or a dog that is encouraged by its owner to be aggressive; and limit enforcement to the police and local authorities.
- Retain the offence to possess or advertise a restricted type of dog (e.g. currently the pit bull terrier type dog) unless the dog in question is registered on the Index of Exempted Dogs, and re-open the Index to owner led applications provided it can be shown on the balance of probability the dog is not a danger to public safety.

Detailed Proposal

- Base legislation on the legal duty of care of the person in whose charge the dog is, and the owner of the dog that put the person in charge of it, that the dog is not dangerously out of control.
- Apply the legislation to incidents that take place in public as well as private.
- Provide that, where the legislation allows the Police a power of seizure (under a warrant if not in a public place), proceedings must begin within one month of seizure for a minor complaint and six months of seizure for a more serious offence.
- Provide a graduated system, through the Courts if appropriate, to introduce Control Orders requiring but not limited to, one or more of the following: the dog to be destroyed; the dog to be kept under proper control; the dog to be kept subject to conditions including being kept on a lead and/or muzzled; the dog to be re-homed; the owner to be disqualified from having charge/being in possession of a dog for such a period as the court considers appropriate; and the owner to be required to pay up to £5,000 in compensation for personal injury, loss or damage arising from the incident where the dog has actually caused harm in a minor incident, and up to a £5,000 fine and/or 6 months imprisonment or an unlimited fine and/or up to 2 years imprisonment, in a more serious case.
- Include defences for anyone accused to prove that the dog was provoked into being aggressive or the attack was in self-defence, or at the time the dog was dangerous the dog was not under the owner's control but under the control of someone he believed to be responsible, or the dog was on private land where it was permitted to be and the person or animal was a trespasser (i.e. present on the land without express or implied permission).
- Include an appeals procedure in the legislation for an owner to appeal against the Court's first control order straight away and for the conditions of the control order to be varied/discharged after at least a year.
- Establish a database of details of dogs and their owners for those found in breach of the Act. Information would include details of the offence and conviction, the owner's name and address and the dog's details and microchip number.
- Include an exemption for dogs used on official duties as service dogs, when at work.