

Dog Control Bill [HL]

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TO

Make provision about the control of dogs and their welfare; and for connected purposes.

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 Responsibility for dogs

- (1) In this Act, references to a person being responsible for a dog are to a person responsible for a dog whether on a permanent or temporary basis.
- (2) In this Act, references to being responsible for a dog include being in charge of it. 5
- (3) For the purposes of this Act, a person who owns a dog shall always be regarded as being a person who is responsible for it.
- (4) For the purposes of this Act, a person shall be treated as responsible for any dog for which a person under the age of 16 years in their care and control is responsible. 10

2 Control of dogs

No person shall—

- (a) allow a dog for which they are responsible to be aggressive or dangerously out of control, in either a public or a private place;
- (b) encourage a dog to be aggressive or to intimidate people or other animals; 15
- (c) breed dogs for fighting;
- (d) keep a dog that has been used for fighting;
- (e) keep a dog that has attacked a person or another animal.

3 Control notices

- (1) If an officer of a police force or local authority is of the opinion that a person is failing to comply with section 2, but the dog in question has not yet been involved in an attack, the officer may serve on the person responsible for the dog a control notice which – 5
- (a) states that the officer is of that opinion;
 - (b) specifies the respects in which the officer considers the person is failing to comply with the provisions of section 2;
 - (c) specifies the steps the officer considers need to be taken in order to comply with the provisions; 10
 - (d) specifies a period for the taking of those steps.
- (2) The steps which an officer may stipulate in a control notice pursuant to subsection (1)(c) include –
- (a) keeping the dog muzzled when in public;
 - (b) keeping the dog on a lead when in public; 15
 - (c) arranging for the dog to be neutered;
 - (d) placing a microchip in the dog;
 - (e) arranging for the dog to undergo training; and
 - (f) arranging for the dog to be re-homed.

4 Prosecution

- (1) Failure of a person to comply with section 2 of this Act shall be an offence. 20
- (2) A person guilty of an offence under section 2 of this Act shall be liable to –
- (a) a control order which requires the person responsible for the dog to comply with a control notice (where the person has not previously complied); 25
 - (b) a disqualification order which disqualifies the person responsible for the dog from keeping dogs for a specified period of time;
 - (c) a deprivation order which removes custody of the dog from the person responsible for it;
 - (d) a destruction order which stipulates that the dog in question must be destroyed; 30
 - (e) a fine; or
 - (f) imprisonment.
- (3) It shall be a defence for a person charged with an offence under this Act to prove that – 35
- (a) the dog was provoked into an attack;
 - (b) the attack was in self-defence;
 - (c) the dog was a service dog; or
 - (d) the attack was on a trespasser.
- (4) In proceedings for an offence under section 2 of this Act or failure to comply with the provisions set out in a control notice, if the proceedings are 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. 40
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- (5) Where a person makes an order under subsection (2)(d) for the destruction of a dog owned by a person other than the offender, the owner may appeal to the Crown Court against the order.

5 Powers to seize and destroy dogs

- (1) An officer of a police force or a local authority authorised by it to exercise the powers conferred by this section may seize any dog which, in public, fails to comply with section 2 of this Act. 5
- (2) If a justice of the peace is satisfied by information on oath that there are reasonable grounds for believing that an offence under any provision of this Act is being or has been committed on any premises, the justice of the peace may issue a warrant authorising a constable to enter those premises (using such force as is necessary) and to search them and seize any dog or other thing found there which is evidence of the commission of such an offence. 10
- (3) A court may issue a destruction order for the disposal of any dogs held prior to trial for prosecutions under section 2 of this Act if it is thought necessary to protect the dog's welfare. 15

6 Repeals

The following Acts are repealed—

- (a) the Dogs Act 1871 (c. 56);
(b) the Dangerous Dogs Act 1991 (c. 65); 20
(c) the Dangerous Dogs (Amendment) Act 1997 (c. 53).

7 Short title, interpretation, commencement and extent

- (1) This Act may be cited as the Dog Control Act 2008.
- (2) In this Act—
“local authority” has the same meaning as in section 149 of the Environmental Protection Act 1990 (c. 43). 25
“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. 30
- (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. 35
- (4) For the purposes of this Act a dog shall be regarded as having been in an attack if it has bitten, mauled or injured a person or another animal.
- (5) This Act shall come into force on such day as the Secretary of State may by order appoint. 40
- (6) This Act extends to England and Wales only.

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To make provision about the control of dogs and their welfare; and for connected purposes.

Lord Redesdale

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