



# 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:—

### Annotations:

#### Modifications etc. (not altering text)

C1 Act (except s.1): Functions transferred (W.) (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)

#### Commencement Information

I1 Act partly in force at Royal Assent see [s. 10\(4\)](#), Act wholly in force at 12.8.1991

## 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;

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*Changes to legislation: There are currently no known outstanding effects for the Dangerous Dogs Act 1991. (See end of Document for details)*

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- (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.
- [<sup>F1</sup>(6A) A scheme under subsection (3) or (5) may in particular include provision requiring a court to consider whether a person is a fit and proper person to be in charge of a dog.]
- (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.

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- (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.

**Annotations:**

**Subordinate Legislation Made**

- P1** S. 1(1)(c) power exercised by [S.I. 1991/1743](#).  
S. 1(3)(5)(6) power exercised by [S.I. 1991/1744](#).
- P2** S. 1(3) power fully exercised: 30.11.1991 appointed by [S.I. 1991/1742](#), **art. 2**.
- P3** S. 1(5)(6) power exercised by [S.I. 1991/2297](#).  
S. 1(5)(6) power exercised by [S.I.1991/2636](#).

**Amendments (Textual)**

- F1** [S. 1\(6A\)](#) inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 107(2), 185(1)** (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2014/949](#), **art. 3**, **Sch. para. 7**

**Modifications etc. (not altering text)**

- C2** S. 1(3) excluded by [S.I. 1991/1744](#), **art. 3**.

**Commencement Information**

- I2** S. 1 wholly in force at 12.08.1991 see s. 10(4) and [S.I. 1991/1742](#), **art. 3**.

**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.

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**Annotations:**

**Commencement Information**

**I3** S. 2 wholly in force at 12.08.1991 see s. 10(4) and S.I. 1991/1742, art. 3.

**3 Keeping dogs under proper control.**

(1) If a dog is dangerously out of control in [<sup>F2</sup> any place (whether or not ||<sup>F3</sup> any place in England or Wales (whether or not 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<sup>F4</sup> or assistance dog ], an aggravated offence, under this subsection.

[<sup>F5</sup>(1A) A person (“D”) is not guilty of an offence under subsection (1) in a case which is a householder case.]

[<sup>F5</sup>(1B) For the purposes of subsection (1A) “a householder case” is a case where—

- (a) the dog is dangerously out of control while in or partly in a building, or part of a building, that is a dwelling or is forces accommodation (or is both), and
- (b) at that time—
  - (i) the person in relation to whom the dog is dangerously out of control (“V”) is in, or is entering, the building or part as a trespasser, or
  - (ii) D (if present at that time) believed V to be in, or entering, the building or part as a trespasser.

Section 76(8B) to (8F) of the Criminal Justice and Immigration Act 2008 (use of force at place of residence) apply for the purposes of this subsection as they apply for the purposes of subsection (8A) of that section (and for those purposes the reference in section 76(8D) to subsection (8A)(d) is to be read as if it were a reference to paragraph (b)(ii) of 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.

<sup>F6</sup>(3) . . . . .

(4) A person guilty of an offence under subsection (1)<sup>F7</sup>... 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 [<sup>F8</sup> that subsection ] 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 [<sup>F9</sup> the relevant maximum specified in subsection (4A) ] or a fine or both.

[<sup>F10</sup>(4A) For the purposes of subsection (4)(b), the relevant maximum is—

- (a) 14 years if a person dies as a result of being injured;
- (b) 5 years in any other case where a person is injured;
- (c) 3 years in any case where an assistance dog is injured (whether or not it dies).]

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- (5) <sup>F11</sup> It is hereby declared for the avoidance of doubt that an order under section 2 of the <sup>M1</sup> 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) <sup>F11</sup> 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) <sup>F11</sup> The reference in section 1(3) of the <sup>M2</sup> 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. ]

#### Annotations:

##### Amendments (Textual)

- F2** Words in s. 3(1) substituted (S.) (26.2.2011) by [Control of Dogs \(Scotland\) Act 2010 \(asp 9\)](#), **ss. 10, 18(2)** (with s. 16)
- F3** Words in s. 3(1) substituted (E.W.) (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 106(2)(a)(i)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 6
- F4** Words in s. 3(1) inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 106(2)(a)(ii)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 6
- F5** S. 3(1A)(1B) inserted (E.W.) (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 106(2)(b)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 6
- F6** S. 3(3) repealed (S.) (26.2.2011) by [Control of Dogs \(Scotland\) Act 2010 \(asp 9\)](#), s. 18(2), **Sch. 1 para. 2(2)(a)** (with s. 16); and also S. 3(3) repealed (E.W.) (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 106(2)(c)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 6
- F7** Words in s. 3(4) repealed (S.) (26.2.2011) by [Control of Dogs \(Scotland\) Act 2010 \(asp 9\)](#), s. 18(2), **Sch. 1 para. 2(2)(b)(i)** (with s. 16); and words in s. 3(4) omitted (E.W.) (13.5.2014) by virtue of [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 106(2)(d)(i)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 6
- F8** Words in s. 3(4) substituted (S.) (26.2.2011) by [Control of Dogs \(Scotland\) Act 2010 \(asp 9\)](#), s. 18(2), **Sch. 1 para. 2(2)(b)(ii)** (with s. 16); and words in s. 3(4) substituted (E.W.) (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 106(2)(d)(ii)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 6
- F9** Words in s. 3(4)(b) substituted (E.W.) (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 106(2)(d)(iii)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 6 (with art. 9)
- F10** S. 3(4A) inserted (E.W.) (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 106(2)(e)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 6 (with art. 9)
- F11** S. 3(5)-(7) repealed (S.) (26.2.2011) by [Control of Dogs \(Scotland\) Act 2010 \(asp 9\)](#), s. 18(2), **Sch. 1 para. 2(2)(c)** (with s. 16)

##### Commencement Information

- I4** S. 3 wholly in force at 12.08.1991 see s. 10(4) and [S.I. 1991/1742](#), **art. 3**.

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*Changes to legislation: There are currently no known outstanding effects for the Dangerous Dogs Act 1991. (See end of Document for details)*

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#### Marginal Citations

**M1** 1871 c.56.

**M2** 1989 c. 30.

#### 4 Destruction and disqualification orders.

(1) Where a person is convicted of an offence under section 1 or 3(1) <sup>F12</sup>... 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 [<sup>F13</sup>, subject to subsection (1A) below,] shall do so in the case of an offence under section 1 or an aggravated offence under section 3(1) ... above; and
- (b) may order the offender to be disqualified, for such period as the court thinks fit, for having custody of a dog.

[<sup>F14</sup>(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.]

[<sup>F15</sup>(1B) For the purposes of subsection (1A)(a), when deciding whether a dog would constitute a danger to public safety, the court—

- (a) must consider—
  - (i) the temperament of the dog and its past behaviour, and
  - (ii) whether the owner of the dog, or the person for the time being in charge of it, is a fit and proper person to be in charge of the dog, and
- (b) may consider any other relevant circumstances.]

(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, <sup>F16</sup> . . . , 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 [<sup>F17</sup>, 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 [<sup>F18</sup> in the same local justice ] 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 “[<sup>F19</sup> appropriate Appeal Court] against the order within the period of seven days beginning with the date of the order”;
  - [<sup>F20</sup>(aa) In paragraph (a), “appropriate Appeal Court” means—
    - (i) in the case of an appeal against an order made following summary conviction, the Sheriff Appeal Court; and
    - (ii) in the case of an appeal against an order made following conviction on indictment, the High Court of Justiciary.]
  - (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) [<sup>F21</sup>section 221 of the Criminal Procedure (Scotland) Act 1995] 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 [<sup>F21</sup>Part XI] of that Act.”; and
  - (d) in subsection (6) the words “(or a magistrates' court acting [<sup>F22</sup> in the same local justice ] area as that court)” shall be omitted.

*Changes to legislation: There are currently no known outstanding effects for the Dangerous Dogs Act 1991. (See end of Document for details)*

## Annotations:

### Amendments (Textual)

- F12** Words in s. 4(1) repealed (S.) (26.2.2011) by [Control of Dogs \(Scotland\) Act 2010 \(asp 9\), s. 18\(2\), Sch. 1 para. 2\(3\)](#) (with s. 16); and words in s. 4(1) omitted (E.W.) (13.5.2014) by virtue of [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), ss. 106\(3\), 185\(1\)](#) (with ss. 21, 33, 42, 58, 75, 93); [S.I. 2014/949, art. 3, Sch. para. 6](#)
- F13** Words in s. 4(1)(a) inserted (8.6.1997) by [1997 c. 53, s. 1\(1\)](#) (with s. 5(1)); [S.I. 1997/1151, art. 2](#)
- F14** S. 4(1A) inserted (8.6.1997) by [1997 c. 53, s. 1\(2\)](#) (with s. 5(1)); [S.I. 1997/1151, art. 2](#)
- F15** S. 4(1B) inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), ss. 107\(3\), 185\(1\)](#) (with ss. 21, 33, 42, 58, 75, 93); [S.I. 2014/949, art. 3, Sch. para. 7](#)
- F16** Words in s. 4(2) repealed (8.6.1997) by [1997 c. 53, s. 1\(3\)](#) (with s. 5(1)); [S.I. 1997/1151, art. 2](#)
- F17** The words “,where the order was not one that the court was required to make” in s. 4(3)(a) ceased to have effect (8.6.1997) by virtue of [1997 c. 53, s. 1\(4\)](#) (with s. 5(1)); [S.I. 1997/1151, art. 2](#)
- F18** Words in s. 4(6) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 353\(a\)](#); [S.I. 2005/910, art. 3\(y\)](#)
- F19** Words in s. 4(9)(a) substituted (S.) (22.9.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions No. 2\) Order 2015 \(S.S.I. 2015/338\), art. 1, Sch. 2 para. 3\(2\)\(a\)](#) (with art. 4)
- F20** S. 4(9)(aa) inserted (S.) (22.9.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions No. 2\) Order 2015 \(S.S.I. 2015/338\), art. 1, Sch. 2 para. 3\(2\)\(b\)](#) (with art. 4)
- F21** Words in s. 4(9)(c) substituted (1.4.1996) by [1995 c. 40, s. 5, Sch. 4 para. 81\(a\)\(b\)](#)
- F22** Words in s. 4(9)(d) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 353\(b\)](#); [S.I. 2005/910, art. 3\(y\)](#)

### Commencement Information

- I5** S. 4 wholly in force at 12.08.1991 see s.10(4) and [S.I. 1991/1742, art. 3](#).

## [<sup>F23</sup>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) <sup>F24</sup>... 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) <sup>F25</sup>... 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—



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- (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.]

**Annotations:**

**Amendments (Textual)**

- F23** S. 4A inserted (8.6.1997) by 1997 c. 53, s. 2 (with s. 5(1)); S.I. 1997/1151, art. 2
- F24** Words in s. 4A(1)(a) repealed (S.) (26.2.2011) by Control of Dogs (Scotland) Act 2010 (asp 9), s. 18(2), Sch. 1 para. 2(4) (with s. 16); and words in s. 4A(1)(a) omitted (E.W.) (13.5.2014) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), ss. 106(4)(a), 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 6
- F25** Words in s. 4A(4) repealed (S.) (26.2.2011) by Control of Dogs (Scotland) Act 2010 (asp 9), s. 18(2), Sch. 1 para. 2(4) (with s. 16); and words in s. 4A(4) omitted (E.W.) (13.5.2014) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), ss. 106(4)(b), 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 6

**[<sup>F26</sup>4B Destruction orders otherwise than on a conviction.**

- (1) Where a dog is seized under section 5(1) or (2) below<sup>F27</sup> or in exercise of a power of seizure conferred by any other enactment ] 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.

- <sup>F28</sup>(2A) For the purposes of subsection (2)(a), when deciding whether a dog would constitute a danger to public safety, the justice or sheriff—
- (a) must consider—
    - (i) the temperament of the dog and its past behaviour, and
    - (ii) whether the owner of the dog, or the person for the time being in charge of it, is a fit and proper person to be in charge of the dog, and
  - (b) may consider any other relevant circumstances.]

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- (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.]

#### Annotations:

#### Amendments (Textual)

- F26** S. 4B inserted (8.6.1997) by 1997 c. 53, s. 3(1) (with s. 5(1)); S.I. 1997/1151, art. 2
- F27** Words in s. 4B(1) inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), ss. 107(4)(a), 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 7
- F28** S. 4B(2A) inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), ss. 107(4)(b), 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 7

## 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 <sup>F29</sup> a dog ] to which that section or such an order applies) which appears to him to be dangerously out of control.

<sup>F30</sup>(1A) A constable may seize any dog not in a public place (whether or not a dog to which that section or such an order applies) which appears to him to be dangerously out of control.]

<sup>F31</sup>(1A) A constable or an officer of a local authority authorised by it to exercise the powers conferred by this subsection may seize any dog in a place in England or Wales which is not a public place, if the dog appears to the constable or officer 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

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*Changes to legislation: There are currently no known outstanding effects for the Dangerous Dogs Act 1991. (See end of Document for details)*

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- (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.
- <sup>F32</sup>[( 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.

#### Annotations:

##### Amendments (Textual)

- F29** Words in s. 5(1)(c) substituted (S.) (26.2.2011) by [Control of Dogs \(Scotland\) Act 2010 \(asp 9\)](#), s. 18(2), **Sch. 1 para. 2(5)(a)** (with s. 16); and words in s. 5(1)(c) substituted (E.W.) (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 106(5)(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 6
- F30** S. 5(1A) inserted (S.) (26.2.2011) by [Control of Dogs \(Scotland\) Act 2010 \(asp 9\)](#), s. 18(2), **Sch. 1 para. 2(5)(b)** (with s. 16)
- F31** S. 5(1A) inserted (E.W.) (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 106(5)(b)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 6
- F32** S. 5(4) ceased to have effect (8.6.1997) by virtue of [1997 c. 53](#), **s. 3(2)** (with s. 5(1)); S.I. 1997/1151, **art. 2**

##### Modifications etc. (not altering text)

- C3** S. 5(2) extended (1.4.2003) by [2001 c. 16](#), ss. 50, 52-54, 60, **Sch. 1 Pt. 1 para. 54**.S.I. 2003/708
- C4** S. 5(2) powers of seizure extended (1.4.2003) by [Criminal Justice and Police Act 2001 \(c. 16\)](#), ss. 50, 138(2), **Sch. 1 paras. 54** (with ss. 52-54, 68); S.I. 2003/708, art. 2(a)

##### Commencement Information

- I6** S. 5 wholly in force at 12.08.1991 see s. 10(4) and [S.I. 1991/1742](#), **art. 3**.

## 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.

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*Changes to legislation: There are currently no known outstanding effects for the Dangerous Dogs Act 1991. (See end of Document for details)*

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**Annotations:****Commencement Information**

**I7** S. 6 wholly in force at 12.08.1991 see s. 10(4) and S.I. 1991/1742, art. 3.

**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.

**Annotations:****Commencement Information**

**I8** S. 7 wholly in force at 12.08.1991 see s. 10(4) and S.I. 1991/1742, art. 3.

**8 Power to make corresponding provision for Northern Ireland.**

An Order in Council under paragraph 1(1)(b) of Schedule 1 to the <sup>M3</sup>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.

**Annotations:****Marginal Citations**

**M3** 1974 c. 28.

**9 Expenses.**

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

*Changes to legislation: There are currently no known outstanding effects for the Dangerous Dogs Act 1991. (See end of Document for details)*

**Annotations:**

**Commencement Information**

**I9** S. 9 wholly in force at 12.08.1991 see s. 10(4) and S.I. 1991/1742, art. 3.

**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;
  - [<sup>F33</sup>“assistance dog” has the meaning given by section 173(1) of the Equality Act 2010;]
  - “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[<sup>F34</sup> or assistance dog ], whether or not it actually does so, but references to a dog injuring a person[<sup>F35</sup> or assistance dog ] 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.

**Annotations:**

**Subordinate Legislation Made**

**P4** S. 10(4) power fully exercised: 12.08.1991 appointed by S.I. 1991/1742, art.3.

**Amendments (Textual)**

**F33** Words in s. 10(2) inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 106\(6\)\(a\)](#), 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2014/949, art. 3, Sch. para. 6

**F34** Words in s. 10(3) inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 106\(6\)\(b\)\(i\)](#), 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2014/949, art. 3, Sch. para. 6

**F35** Words in s. 10(3) inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 106\(6\)\(b\)\(ii\)](#), 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2014/949, art. 3, Sch. para. 6

**Commencement Information**

**I10** S. 10 wholly in force at 12.08.1991 see s. 10(4) and S.I. 1991/1742, art. 3.

**Changes to legislation:**

There are currently no known outstanding effects for the Dangerous Dogs Act 1991.