

## **Appendix 2**

### **Animals and the Law; Summary of Relevant Legislation**

#### **1. Animal Welfare Act 2006**

The Animal Welfare Act increases penalties for those who inflict serious cruelty on animals and also introduces a welfare offence. This places a "duty of care" on pet owners to provide for their pet's basic needs, such as adequate food, water veterinary treatment and a suitable living environment.

The new offence means that animals do not have to suffer for owners to be prosecuted.

#### **2. Dangerous Wild Animals Act 1976**

This Act promotes public safety by regulating how dangerous wild animals are kept by individuals. The Act contains a schedule of animals such as monkeys, venomous snakes and crocodiles that are considered dangerous and so require a license from the local authority.

#### **3. The Breeding of Dogs Act 1973, The Breeding of Dogs Act 1991 and the Breeding and Sale of Dogs (Welfare) Act 1999**

Under the 1973 Act (as amended by the 1999 Act), anyone who breeds and sells dogs as a business (more than four litters a year) requires a license from the local authority. Local authorities have extensive powers to check on the standards of health, welfare and accommodation of the animals and are responsible for enforcing the requirements of the Act. The Breeding of Dogs Act 1991 extends their powers to obtain a warrant to enter any premises where dog breeding is believed to be happening. Private homes are excluded from the Act but outbuildings are not.

#### **4. Control of Dogs Order 1992**

This requires every dog in public to wear a collar bearing the name and address of its owner. If a dog is not, it can be seized by the local authority and treated as a stray. In addition, the person

responsible will be guilty of an offence and may be prosecuted by a fine.

### **5. Road Traffic Act 1988**

Under the Act, it is an offence to have a dog on a designated road without it being held on a lead

### **6. Guard Dogs Act 1975**

It is an offence to use or permit the use of a guard dog on any premises unless the handler has control of it, and there must be warning that a guard dog is present

### **7. Dogs Act 1871**

Under this Act, if a court has received a complaint, it may decide that a dog is dangerous and not kept under proper control and will then order the owner to resolve the situation or have it destroyed.

### **8. Dangerous Dogs Act 1991:**

This Act has two main sections:

#### **Section 1**

It is an offence to keep specific breeds of dogs without registration. These include Pit Bulls. Owners have to comply with certain legal requirements, including having their dog registered, neutered, micro chipped and tattooed. One of the main problems with this law is that the pit bull terrier is not a recognised breed in the UK. Consequently, many owners of cross breeds which are a "pit bull type" have been charged under the Act.

#### **Section 3**

This applies to all dogs and makes it a criminal offence to allow a dog to be dangerously out of control in a public place. This includes instances where there is simply fear that an injury may occur. Owners found guilty under either section of the Act face up to six months in prison, destruction of their dog and/or a fine of up to five thousand pounds.

## **9. Environmental Protection Act 1990**

### **Section 149: seizure of stray dogs**

This gives authorized council officers the power to seize and detain any dog it believes to be a stray. If the dog is not collected by the owner within seven days, the ownership transfers to the local authority, who may rehome, sell, or humanely destroy it. The owner is liable to pay for all expenses incurred because of the dog's detention.

### **Section 150: delivery of stray dog to the local authority**

A member of the public who finds a stray dog must return it to its owner or take it to the local authority. No other stray animal has the equivalent legal status to dogs. If any other animal is picked up, a relevant animal welfare agency should be contacted.

### **Section 70: offence to keep any animal in a manner that is prejudicial to health, causes a nuisance or emits noise from a building that causes a nuisance**

The civil law of nuisance covers animals causing noise to the general public or a particular person

## **10. Animals Act 1971**

Under this Act, owners of animals and those in control of them have a duty to take reasonable care to ensure that their animals do not cause injury or damage

## **11. Clean Neighbourhoods and Environment Act 2005**

This allows local authorities to tackle dog fouling, ban dogs from designated areas, require them to be kept on a lead and restrict the number that can be walked by one person. This Act also gives local authorities sole responsibility for strays (this was previously shared with the police)

## **12. Litter (Animal Droppings) Order 1991 made under the Environmental Protection Act (1990)**

This places a duty on local authorities to keep designated areas clear of dog faeces.

### **13. Bye-laws**

Certain Acts of Parliament give local authorities the power to make by-laws, which create criminal offences for certain acts carried out locally. For example, local authorities can restrict dogs in certain areas.