



Department
for Environment
Food & Rural Affairs

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Dangerous Dogs Act 1991

Proposed Changes to Maximum Penalties for Dog Attacks

Summary of Responses and Way Forward

October 2013



Llywodraeth Cymru
Welsh Government

Summary of Responses

1. Defra consulted this summer in England, and in Wales on behalf of the Welsh Government, on possible increases to the maximum sentences for aggravated offences under section 3 of the Dangerous Dogs Act 1991. These relate to a dog being dangerously out of control and a dog killing or injuring a person or an assistance dog.
2. We undertook a short, online survey of people's views on options for an increase in maximum penalties which currently stand at two years' imprisonment and/or an unlimited fine for aggravated offences.
3. 3,180 people and organisations completed the online survey and a number of organisations sent written representations. The core results of the survey are detailed at Annex A. In summary some 91% of respondents considered that maximum penalties should be increased. 83% thought there should be an increase for injury to an assistance dog or a person, 69% for the death of an assistance dog, and 76% for the death of a person.
4. In coming to a decision on new maximum penalties for dog attacks, we have taken into account the responses to the consultation and the need for maximum penalties to be proportionate to the offence. We have also compared the current maximum penalty with the maximum penalties for other offences. The maximum penalty of causing death by dangerous driving is 14 years' imprisonment and the maximum penalty for causing actual bodily harm is 5 years' imprisonment. Anyone who deliberately sets their dog on a person and kills them – in effect using their dog as a weapon – could be charged with murder or manslaughter, which carry a maximum penalty of life imprisonment. The Government proposes, therefore, to increase the maximum penalties for aggravated offences under section 3 of the 1991 Act in England and Wales to:

14 years' imprisonment if a person dies as a result of a dog attack,

5 years' imprisonment if a person is injured by a dog attack, and

3 years' imprisonment if an assistance dog either dies or is injured by a dog attack

5. The increase in maximum penalty for a dog attack on an assistance dog, such as a guide dog for the blind, reflects the devastating effect such an attack has on the assisted person. As now, each of these offences could also be punishable by an unlimited fine instead of or in addition to imprisonment. An amendment to the 1991 Act to effect these changes will be tabled for consideration during Lords Committee Stage of the Anti-social Behaviour, Crime and Policing Bill.

Responsible dog ownership

6. Increasing the maximum penalties for dog attacks is only one aspect of the Government's overall approach to tackling irresponsible dog ownership. Government consulted on a range of possible measures to encourage

responsible dog ownership in 2012 and published a summary of results and the way forward on 6 February 2013.

7. As a result of that consultation, the Anti-social Behaviour, Crime and Policing Bill (clauses 98 and 99) includes amendments extending the Dangerous Dogs Act 1991 to private property and provisions that extend the offence of allowing a dog to be dangerously out of control to all places, including people's homes. This will give protection to family members, friends and visitors including postal workers, nurses, utility workers and other professionals who visit homes as part of their job. At the same time, there will be an exemption from prosecution for householders whose dogs attack trespassers in or entering the home. There will also be a specific offence of allowing your dog to attack an assistance dog.
8. In addition the Bill includes new measures for local authorities and the police to take action before a dog attack occurs. The measures can require dog owners to take any reasonable steps to address their own or their dog's behaviour, including, but not limited to: attending dog training classes, requiring the dog to be on a lead in public, repairing fencing to their property to prevent the dog escaping, and even requiring the dog to be neutered. These measures supplement the non-statutory tools such as Acceptable Behaviour Contracts that are already used by many local authorities to address anti-social behaviour including that involving dogs.
9. A comprehensive practitioner's manual has been drafted in liaison with the Welsh Government, police and local authorities to ensure that these new measures tackle irresponsible dog ownership without compromising dog welfare.
10. The UK Government and Welsh Government have both announced measures to require the microchipping of all dogs by April 2016 in England and by March 2015 in Wales. This will allow lost and stray dogs to be reunited quickly with their owners, minimising stress for both dog and owner and saving considerable time and resource for hard pressed local authority dog wardens and animal welfare charities. Separate regulations on dog microchipping will be published in 2014.

Way Forward

11. Parliament will consider the Government proposals for increased maximum penalties for dog attacks and if agreed, they should come into force in 2014 following Royal Assent of the Anti-social Behaviour, Crime and Policing Bill.

DOGS SENTENCING SURVEY: HEADLINE FIGURES

TOTAL RESPONSES **3180**

Responses	Electronic	3172
	Written	8

INCREASED PENALTIES	YES	2899	(91%)
(for all or some options)	NO	268	(8%)
	No reply	24	(1%)

INCREASE FOR INJURY TO ASSISTANCE DOG OR PERSON	2643	(83%)
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INCREASE FOR DEATH OF ASSISTANCE DOG	2193	(69%)
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INCREASE FOR DEATH OF PERSON	2401	(76%)
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No reply	230	(7%)
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MAXIMUM PENALTY FOR INJURY TO PERSON OR ASSISTANCE DOG	3 YEARS	358	(11%)
	5 YEARS	899	(28%)
	7 YEARS	466	(15%)
	10 YEARS	1075	(34%)
	No reply	428	(13%)

MAXIMUM PENALTY FOR DEATH OF ASSISTANCE DOG	3 YEARS	320	(10%)
	5 YEARS	769	(24%)
	7 YEARS	454	(14%)
	10 YEARS	1211	(38%)
	No reply	458	(14%)

MAXIMUM PENALTY FOR DEATH OF A PERSON	5 YEARS	173	(5%)
	7 YEARS	154	(5%)
	10 YEARS	450	(14%)
	14 YEARS	681	(21%)
	LIFE	1489	(47%)
	No reply	281	(9%)