

Anti-social, Behaviour, Crime and Policing Bill

Fact sheet: Overview of dangerous dogs measures

Background

1. The Government is committed to tackling irresponsible dog ownership. Ten children and eight adults have been killed in dog attacks since 2005, 16 of which took place on private property. To tackle irresponsible owners, enforcement agencies need appropriate powers.
2. The Government announced a package of dog measures on 6 February 2013. This included extending the Dangerous Dogs Act 1991 (“the 1991 Act”) to cover attacks on all private property, compulsory microchipping for all dogs by April 2016, removing the compulsory kennelling of suspected prohibited breeds during the court process of exemption and increasing the fee for registration on the Index of Exempted Dogs.
3. The provisions in the Bill form an important part of this package and will allow the police to investigate and prosecute cases where a dog is dangerously out of control. They will create an offence to own or be in charge of a dog that is dangerously out of control in any place, including on private property, and explicitly make an attack on an assistance dog an aggravated offence. Additionally, the Bill will increase the maximum penalties for such offences from two years’ imprisonment to 14 years’ where the death of a person is involved, to 5 years’ where a person is injured and to 3 years’ where an assistance dog is injured or killed. The Bill also includes new powers for the police and local authorities to tackle anti-social behaviour, which will be used to take preventative action to tackle irresponsible dog ownership and help prevent dog attacks.
4. Taken together, the measures that the Government is introducing will improve the way in which irresponsible dog ownership is addressed and help to prevent further incidents.

Measures in the Anti-social Behaviour, Crime and Policing Bill

Anti-social behaviour measures

5. Parts 1 to 4 of the Bill contain a range of flexible new powers to help prevent and address anti-social behaviour, including that which involves dogs or other animals.
6. The new powers will facilitate early intervention to allow professionals to nip problems in the bud before they escalate to a more serious level. There have been calls to introduce Dog Control Notices (“DCNs”), which are used in Scotland, in order to allow early intervention. The

Government is not proposing to introduce bespoke DCNs because all preventative measures that would be possible under a DCN will be possible under the new anti-social behaviour powers. In effect, Parts 1 to 4 of the Bill provide for DCNs in form, if not in name.

7. In relation to dogs, the anti-social behaviour powers could be used to tackle issues that include, but are not limited to, a dog that strays and causes a nuisance in doing so, fouling of public and/or private gardens, continued and prolonged barking at certain times of a day whilst its owner is out shopping and dogs which cause a nuisance in parks. The owner could be issued with the new community protection notice, which could include both positive and negative requirements of the owner, such as attending dog training classes or repairing inadequate fencing.
8. For more serious incidents, such as a dog being used to intimidate and turn certain pathways and areas into no-go areas for other users, an injunction under Part 1 of the Bill may be suitable, which would restrict when and where the dog owner could take their dog, whilst also requiring positive actions such as attending local training classes in order to break the cycle of anti-social behaviour. The notice could also require the owner to have the dog neutered or for the dog to be muzzled in public, if this was considered appropriate by dog welfare experts.
9. In this way, the focus remains at the right end of the lead: on the dog owner acting irresponsibly.
10. In considering the application of the powers in Parts 1 to 4 of the Bill, the welfare of the dog should be considered at all times. Welfare considerations are amongst those addressed in the Practitioners' Manual that will accompany the new powers, and the changes to the Dangerous Dogs Act.¹ The draft manual is currently being reviewed before final publication when the Bill receives Royal Assent. Those with comments are welcome to submit them to animal.welfare@defra.gsi.gov.uk for consideration.

Private Property Amendment

11. There have been a number of high profile cases where no prosecution could take place despite death or serious injury because the attack took place on private property. Since 2005, ten children and eight adults have died as a result of dog attacks, 16 of which took place on private property. Over 3,000 postmen and women were attacked across the UK by dogs from April 2011 to April 2012. Approximately 300 of these were serious, reportable injuries requiring at least two

¹ A draft of the practitioners manual is available at:
<https://www.gov.uk/government/publications/tackling-irresponsible-dog-ownership-draft-practitioners-manual>

days off work. Some 70 per cent of dog attacks on postal workers occur on private property. Under the 1991 Act, it is an offence to own or be in charge of a dog that is dangerously out of control in a public place or a private place where the dog does not have a right to be. The Bill extends this to all places including all private property. This will encourage owners to be responsible with their dogs at all times, including inside their homes, making it safer for visitors and family members, as well as people such as postal workers, nurses and utility workers, who need access to private property as part of their work.

12. In addition, following comments from key stakeholders the Bill provides full protection for householders whose dog attacks a trespasser in or entering the home. It does this by providing an exemption from prosecution for anyone whose dog attacks a trespasser in or entering a dwelling, whether the householder is present or not.

Assistance dog provision

13. It is estimated that ten guide dogs are attacked by other dogs each month. If an assistance dog is attacked, the assisted person may suffer a significant reduction in freedom through either temporary loss of a dog whilst it recovers or permanent retirement and the resultant wait for a replacement dog. Whilst it may be possible to bring a prosecution under the 1991 Act and the Animal Welfare Act 2006, it is difficult to obtain the level of evidence for a successful prosecution. The Bill therefore explicitly makes an attack on an assistance dog an aggravated offence, to recognise the substantial impact an attack on an assistance dog has both on the dog and the dog's owner.

Dangerousness test

14. Owners who have been issued with a destruction order because their dog is either of a prohibited type or deemed dangerously out of control can apply to have the dog exempted. A court will consider an exemption based on a number of factors including an assessment by dog legislation officers as to whether the dog is aggressive. A 2012 High Court judgment (*R vs. Sandhu*) ruled that the legislation did not allow the court to consider the character of the owner when assessing whether the dog posed a danger to public safety. An amendment to the 1991 Act makes it clear that the character of the owner can be taken into account, and will mark a return to the law as it was understood to operate prior to the Sandhu judgment. Matters of interest to the court may include past convictions for animal cruelty or perhaps carrying an offensive weapon, as well as suitable accommodation for the dog and ability to keep it and abide by the restrictions mandated by the court.

Other measures

15. There are some further, important measures in relation to dog control and welfare that are being brought forward separately from this Bill, through secondary legislation (regulations and orders).

Microchipping

16. On 6 February 2013, the Government announced that it will bring forward new regulations under the Animal Welfare Act 2006 to introduce compulsory microchipping in England of all dogs by 6 April 2016. This will significantly improve the welfare of a number of dogs that stray or are lost each year and end up in kennels. Microchipping facilitates faster reunification of lost dogs with their owners, thereby reducing the amount of time a dog spends in local authority kennels. It will also significantly reduce kennelling costs incurred by authorities whilst they home the dog and search for its owner. Regulations on compulsory microchipping will be laid next year.

Kennelling & Keepership

17. As set out above, owners of prohibited types of dogs can be issued with a destruction order but may apply to a court for an exemption. At present, the police must kennel the dog while awaiting the court hearing. The Government recognises that where a dog is not considered to be a danger to public safety following its assessment by a dog legislation officer, there are sound welfare reasons to allow it to return to its owner pending the court's decision. The police will have discretion as to when this will apply. The secondary legislation will also amend the keepership rules on prohibited dogs so that where a registered owner is no longer able to look after the dog, for example, on death or incapacity, it can be transferred to a suitable keeper.

Index Fee

18. The fee for registering an exempted dog on the Index of Exempted Dogs has increased to £77 plus VAT through an Order made under the 1991 Act; this fee is effective from 1 July 2013. This ensures that the taxpayer does not subsidise those who own prohibited types of dog, and owners must take responsibility when owning a pet, from the very beginning when buying a dog and for its behaviour throughout its lifetime.

Education

19. The key to increasing responsible dog ownership is through educating both the dog-owning and non-dog owning public alike. Last year, Defra

provided funding to three welfare organisations (Dogs Trust, RSPCA and Battersea Dogs and Cats Home) for community engagement projects that would provide advice and information on responsible dog ownership to groups that are generally harder to reach. The organisations targeted hotspot areas that had a problem with irresponsible ownership and generally a high level of status dog ownership. Community events were held where free microchipping and free dog tag engraving took place. The reports following the initiatives will be reviewed shortly with the intention that best practice is shared amongst relevant organisations for further work in this area.

Internet Advertising

20. The Government is in regular contact with the Pet Advertising Advisory Group (PAAG), a group of animal welfare, keeping, and veterinary organisations, in order to improve the quality of advertisements on internet sites. PAAG have developed minimum standards for online pet advertising sites, and these are endorsed by Government. We continue to work to better inform the public of the right sort of advertisement. When considering buying a dog, we would encourage considering a rescue dog first and when buying a puppy to always, where possible, see the puppy with its mother and interacting with others at the place it was bred and not to buy before the puppy is 8 weeks old, in order to avoid purchasing illegally imported dogs or from puppy farms.

Department for Environment, Food and Rural Affairs
December 2013