



Department
for Environment
Food & Rural Affairs

T:
helpline@defra.gsi.gov.uk
www.defra.gov.uk

Request for information received by email from

Our ref:

Date:

Dear

REQUEST FOR INFORMATION on the Dangerous Dogs Act - Section 1 – Breed Specific Legislation

Thank you for your request for information about Section 1 of the Dangerous Dogs Act 1991 (as amended). We have handled your request under the Freedom of Information Act 2000 (FOIA).

I enclose a copy of the information you requested:

Q1. Is there a minimum age that a puppy can lawfully be breed ID'd by an expert?

A1. Currently there is no minimum age that a dog can lawfully be "typed" by an expert.

Q2. If there is no minimum lawful age, is there a standard minimum age which is recommended?

A2. No. The onus is on the owner to prove that the dog is not a pit bull type. If the authorities believe the dog to be of "type" the dog will be seized and kept until such time as its "type" can be determined by either the court or by agreement with the owner.

Q3. Can an organisation (Charity or not for profit) become the legal registered owner of a prohibited dog?

A3. It is an offence under section 1 (2) of the Dangerous Dogs Act 1991 for a person to expose or offer for sale, exchange or gift a prohibited dog. However, if the owner did not come forward, and all reasonable effort has been made to trace that owner, the organisation could seek ownership of the dog via the civil 4B procedure to get the dog placed on the Index of Exempted Dogs.



Q4. A dog which is registered on the index of exempted dogs must be kept on a lead and muzzled while in a vehicle; does the dog's lead have to be physically held by a person or can the lead be fixed to an anchor point in the car?

A4. Section 7(1) (b) of the Dangerous Dogs Act 1991 says “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.” Therefore the lead must be held by a person, aged 16 years or older whilst the dog is in a vehicle.

In keeping with the spirit and effect of the FOIA, and in keeping with the government’s Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on www.gov.uk together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

I attach Annex A, which explains the copyright that applies to the information being released to you.

I also attach Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact me.

Yours sincerely

T:
F:

Annex A

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Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF