

Dangerous Dogs Act 1991

- Contains legislation that refers to **ALL** dogs of any breed or mongrel.
- It is an offence to have a dog dangerously out of control in a public place. Dangerously out of control means there is reasonable cause to believe that, whether or not it actually does so, the dog might injure somebody.
- Dogs of the breed or type of **Pit Bull Terrier**, Japanese Tosa, Dogo Argentino, Filo Brasileiro has to be registered on the Index of Exempt Dogs, neutered, microchipped, tattooed and insured. All dogs of these breeds must be muzzled and lead by someone who are sixteen or over at all times when in a public place.
- You cannot voluntarily register dogs on the Index of Exempted Dogs, the courts have to authorise this under a court order.
- It is an offence to breed, sell, exchange or give away a dog of these breeds.
- Offence to be in possession of a dog bred for the purpose of fighting or other aggressive acts.
- The Police have the power to seize a dog which they believe is an unlawful type and at Court the burden of proof is on the owner to prove that it is not unlawful.
- Fines of upto **£5000** and/or up to **2 years imprisonment** maybe imposed under the act and the dog maybe destroyed.

Guard Dogs Act 1975

- It is an offence to use or permit the use of a guard dog on any premises unless the handler, who is capable of controlling the dog, is present on the premises and the dog is under control.
- The dog must be secured so that he is not at liberty to go about the premises.
- A warning that a guard dog is present must be clearly exhibited on all entrances and exits.

Animal Welfare Act 2006

• Cruelty (Section 4)

An offence is committed when suffering could have reasonably been avoided or reduced, and whether the conduct was that of a reasonably competent and humane person. An offence is committed if you cause unnecessary suffering by an act (or failure to act) or if you permit someone else to.

• Duty of Care (Section 9)

An offence is committed if you don't take 'such steps as are reasonable in all the circumstances to ensure that the needs of an animal' for which you are responsible' are met to the extent required by good practice. You are responsible for an animal if you are the owner, the parent of someone who is under 16 and responsible on a temporary basis (e.g. looking after a friend's dog or an owner of boarding kennels). An animals needs include:-

- Suitable environment
- Suitable diet
- Need to exhibit normal behaviour patterns
- To be housed with, or apart from, other animals
- Protected from pain, suffering, injury and disease

As an alternative to prosecution, if it is believed you have failed this duty you may be served an Improvement Notice (section 10) to require you to take action, within a specified period.

• Dog fighting (Section 8)

It is an offence to:

- Cause a dog fight
- Receiving money for admission to a dog fight
- Publicising a dog fight
- Makes or accepts a bet on a dog fight
- Supply, publish or show a recording of a dog fight

• Tail Docking (Section 6)

It is an offence to dock (or cause or permit it to be removed) a dog's tail other than for medical treatment performed by a Vet. A vet only can dock a dog's tail if you conform to the following points :

- The puppy is less than 5 days old
- The dog certified to be of a certain type (hunt point retrieve breeds, spaniels or terriers or any type or combination of types)
- The vet has seen evidence that the dog will be used for specified work (law enforcement, armed forces, emergency rescue, lawful pest control or lawful shooting of animals)
- The dog is microchipped and the vet issues a certificate.

It is an offence to show a dog at an event (e.g. Crufts) where members of the public are admitted on payment of a fee where the dog's tail has been removed. The law doesn't apply if the dog is 'demonstrating its working ability'.

• Sale of Dogs (Section 11)

It is an offence to sell a dog to someone you have reasonable cause to believe' is under 16 years of age.

Control of Dogs Order 1992

- Dog owners commit an offence if they own a dog which is not wearing a collar and tag bearing the owners name and address while the dog is in a public place.
- **Even if the dog is microchipped it must still have a collar and tag.**
- Any dog not wearing such a collar may be seized and treated as a stray.
- Dogs exempt from the order include packs of hounds, dogs used for capture of vermin, dogs on official duties of the armed forces, police, customs and excise, emergency rescue work dogs and any registered guide dog.
- Owners could be prosecuted and fined upto **£5000**.



Clean Neighbourhoods and Environment Act 2005 (Dog Control Orders)

Waltham Forest Council has Dog Control Orders which -

- Designates areas of land where dogs must be kept on leads (the lead must be no more than 8 metres in length).
- Where dogs are excluded to enter.
- Place limits on the number of dogs walked by a single person.
- Designates areas where it is an offence for a person in charge of a dog to fail to clean up its faeces. It is no defence to claim ignorance of the dog's actions, the law, or not to have a device available to remove the faeces.

All the Dog Control orders above apply to all highways, roads, footways, footpaths, alleyways and grass verges within Waltham Forest Councils boundaries. Certain sections apply to certain parks and other public areas.

Further information on Waltham Forest's Dog Control Orders can be found here:

www.walthamforest.gov.uk/index/environment/pest/fouling

Failure to comply with the Dog Control Order can result in being served a Fixed Penalty Notice of **£75** (£50 if paid within 10 days). Should you fail to pay the Fixed Penalty Notice maximum penalty on conviction is **£1000**.

N.B. None of the Dog Control Orders above apply to City of London land this includes Wanstead Flats, Hollow Ponds and Epping Forest.

Environmental Protection Act 1990

- Gives authorised council officers (Animal Wardens) the power to seize any dog thought to be a stray and detain it for seven clear days or until the owner collects it.
- After seven clear days has elapsed the dog will be sent to a rescue centre for rehoming.
- The owner is legally liable to pay for all expenses incurred because of the dog's detention plus a fine.
- The finder of a stray dog **must** return it to its owner (if known), and/or contact the Animal Warden Service and a Police Station.
- It is also an offence to keep any animal in such a place or manner as to cause a human health hazard, noise or other nuisance.
- This includes accumulations of faeces in residents back gardens and the nuisance caused by dogs that are not suitably contained within the boundaries of a resident's garden. If a dog's owner allows their dog to stray and enter their neighbour's gardens they are committing an offence. It is resident's responsibility to maintain the perimeter of their property with adequate fencing.
- Whilst dogs are allowed to bark, they are not allowed to bark so that it causes a nuisance. Factors that may be taken into account when assessing a dogs barking include the volume, duration of the barking and the time of day at which it happens.
- If the Council receives a complaint, we have a duty to investigate it. A complaint can be found to be unfounded/not genuine.
- Maximum fine on conviction is **£5000**.

Road Traffic Act 1988

- Any person that hits a dog with their vehicle causing injury or death must give their name, address and the registration number of the offending vehicle, to anyone having reasonable grounds for requiring them.
- If this is not possible, the incident must be reported to the Police as soon as possible, at the most within 24 hours.

LONDON BOROUGH OF WALTHAM FOREST ANIMAL WARDEN SERVICE

DOG LAW

For further information please contact:

www.walthamforest.gov.uk/index/environment/animal-welfare



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Environmental Health (First Floor)
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