



THE DANGEROUS DOGS ACT 1991 AND 2014

We thought it would be a good idea to summarise the above Act as many people associate the DDA with banned dogs, although this is indeed part of the Act, Section 3 of the 1991 Act affects everyone who is a dog owner as does the 2014 Act.

Section 3 Dangerous Dogs Act 1991

Section 3 in essence states that an owner or a person in charge of the dog will commit an offence if the dog causes reasonable apprehension to a person that they will be injured whether or not they will in fact be injured. So if a person feels that they will be injured by the actions of the dog, you can be reported, even if they are not injured. Dog owners should be respectful of the fact that not everyone that walks in the park, woods or any public place love dogs, some people are afraid of them or just do not like them. Your dog may be a very friendly dog that runs up to someone – this will be enough to report you, or if they jump up at them or bark at them all these things will be enough. A dog DOES NOT have to bite anyone to end up before the Courts with yourself. Your dog will be deemed to be Dangerously out of Control – even if he was on the lead at the time or had never behaved like this before. You must be very careful, go to training classes, do not let your dog off the lead unless he has an excellent recall. This is a strict liability offence there does not have to be any criminal intent or recklessness to be guilty of this offence. This is why it is very important if you take out health insurance for your dog then make sure it also carries 3rd party liability insurance it usually does, if you do not take out health insurance then you MUST take out 3rd party liability insurance to safeguard yourself against any Magistrates or civil Court proceedings for injury, accidents etc or you could end up losing your assets.

Where no injury is caused the case can be heard in the Magistrates Court where the maximum penalty is 6 months imprisonment and/ or a fine of £5,000.00. The Court can order the destruction of the dog, or for the dog to be kept under control – for example by keeping the dog on a lead at all times in a public place, you can also be disqualified from keeping dogs and can also order you pay compensation to the victim.

If your dog causes injury to a person or an assistance dog for example a guide dog then the offence becomes more serious or “aggravated”, the injury does not have to be a bite it can just be a scratch or a bruise, this offence can be heard in the Magistrates or the Crown Court. The maximum penalties for these offences are:-

- Injury to an assistance dog – 3 years imprisonment
- Injury to a person - 5 years imprisonment



- Death of a person - 14 years imprisonment

You could also be ordered to pay a fine/compensation and the Court have to power to disqualify you from keeping dogs.

If the offence is aggravated the Court must order the dog to be destroyed, unless you can satisfy the Court that you are a suitable owner and that the dog does not pose a risk to the public, in this case you would need expert evidence from a qualified animal behaviourist.

If the dog was in another person's care at the time of the offence you have a defence if you reasonably believed that person was a responsible person.

The police also has the power to seize the dog.

DOGS ACT 1871 – Section 2

Civil proceeding can be taken against you under this Act, if your dog is considered to be dangerous and not kept under proper control, this can be against people or animals both in public or private places. As it is a civil proceeding the Court cannot impose a penalty on the owner or order compensation but the owner of the dog can be ordered to pay the costs of the case, order the dog be destroyed or kept under proper control. This Act is less likely to be used in relation to private property bearing in mind the 2014 Act.

PROTECTION OF LIVESTOCK ACT 1953.

You will be committing an offence under this Act if your dog attacks or chases livestock on agricultural land or is off lead in a field that has sheep in it. The police have power to seize the dog. The maximum penalty is a fine but if convicted under this section can lead to a destruction order for the dog under Section 2 of the 1871 Dogs Act.

The owner of the livestock is entitled to protect his stock and this could include killing or injuring your dog.

DANGEROUS DOGS ACT – AMENDMENT 2014.

These amendments relate to incidents on your property, Section 3 DDA applies to public places, this amendment applies to private property, it was brought in to safeguard utility workers such as post men etc who come into your property as part of their job but it does apply to anyone who comes onto your property, the wording in s.3 still applies so if a person entering your property feels they may be injured by your dog – even if they are not you can still be reported.

The amendments to the Act is that it is now an offence for your dog to attack assistance dogs.



Prison sentences will be increased for some convictions

Police or an appointed local authority have the power to seize a dog that is dangerously out of control in a private place.

PRECAUTIONS YOU SHOULD TAKE

1. Ensure that your gardens are safe.

You must consider how unexpected callers/guests/delivery drivers or utility workers are safe when entering your property, that the person can safely access your front door without encountering your dog.

It may be worth talking to your neighbours and ask them not to let their children climb the fence to retrieve a ball or toy,

There is a grey area here because there has not been a case that has been before the Appeal Courts as yet, that if a burglar/ trespasser is attacked in the house then your dog may not be deemed as dangerously out of control, but this at the moment does not cover your gardens, it has yet to be tested in Court. You should ensure that all areas of your garden where a dog could encounter a visitor is secure.

2. Manage your front/back door.

Also when opening the door to a visitor, it is better to shut your dog in another room while you open the door, or if this is not possible then engage the services of a good approved trainer/behaviourist to enable the dog to learn different behaviours when you open the door. Remember your dog jumping up at a visitor even in a friendly fashion can be seen as threatening behaviour to a stranger.

PUBLIC SPACES PROTECTION ORDERS

There are some public areas in England and Wales that are subject to the above orders, in the areas with PSPO's you may have to:-

1. Keep your dog on a lead
2. Put your dog on a lead if told to do so by a police officer, PCSO or someone from the council.
3. Stop your dog going into certain areas – like parts of a park or farmland.
4. Limit the number of dogs you walk at one time.
5. Clean up after your dog.

If you do not take notice of a PSPO you can be fined £100.00 on the spot fine or up to £1,000 if it goes to Court.

Local Councils must let you know where these orders are in place.



In relation to dog fouling you can be fined varied fines depending on the Council in your area, they may also make dog owners carry disposable bags or poop scoops when they take their dog out.

It is very important that you check the by laws in your area as each area can vary.