

# DANGEROUS DOGS ACT

Campaign Briefing



THE KENNEL CLUB

*Making a difference for dogs*

## A dog is only as good as its owner

7' 0"

6' 6"

6' 0"

5' 6"

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4' 6"

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## Background

As a member of the Dangerous Dogs Act Study Group, the Kennel Club has been actively campaigning to address the inadequacies of the current dangerous dog legislation for many years.

The Dangerous Dogs Act Study Group (DDASG) is a wide-ranging group representing animal local authorities, welfare and veterinary professional organisations. DDASG believes the Dangerous Dogs Act should be overhauled to better protect the public, place greater responsibility on dog owners and remove the huge welfare implications affecting dogs deemed to be of a certain type.

## Current Legislation

### Dogs Act 1871

Under the Act it is a civil offence for a dog to be dangerous (to people or animals) and not kept under proper control (generally regarded as not on a lead nor muzzled). This law can apply in any place, the dog involved can be made subject to a control or a destruction order and the owner may have to pay costs.

### Dangerous Dogs Act 1991 (DDA)

Under the Act it is a criminal offence (for the owner and/or the person in charge of the dog) to allow a dog to be 'dangerously out of control' in a public place, be in a place where it is not permitted to be and be in some other areas. A 'dangerously out of control' dog is defined as a dog that has injured someone or a dog that a person has reasonable grounds to believe that it may do so.

A dog chasing, barking at or jumping up at a person or child could lead to a complaint, so it is important to keep a dog under control at all times. If a dog injures a person, it may be seized by the police. Penalties can include a prison sentence and/or a ban on keeping dogs. There is also an automatic presumption that the dog involved will be destroyed (unless the owner can persuade the court that it is not a danger to the public, in which case it may be subject to a control order). The owner may also have to pay a fine, compensation and/or costs.

### The following breeds and their types are banned under the DDA 1991:

- The Pit Bull Terrier
- Fila Brasileiro
- Dogo Argentino
- Japanese Tosa



### Dangerous Dogs (Amendment) Act 1997:

The 1991 Act was amended by the Dangerous Dogs (Amendment) Act 1997. The 1997 Act removed the mandatory destruction order provisions on banned breeds and re-opened the Index of Exempted Dogs for dogs which the courts consider would not pose a risk to the public. The courts were given discretion on sentencing and are the only body able to direct that a dog be placed on the list of exempted dogs.

## Why Current Legislation has failed

### The Dogs Act 1871 has failed because:

- There is no power of seizure
- If an owner transfers the dog to someone else prior to a Court hearing, they may be able to avoid the proceedings
- The Court has no power to require the owner to pay compensation

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## The Dangerous Dogs Act 1991 and 1997 Amendment have failed because:

- They only apply after an incident has taken place, rather than taking a preventative approach;
- Persons entering a private place where the dog is permitted to be have no protection;
- The Acts only apply to dogs that have displayed aggression towards people;
- The Acts have cost a great deal in police resources since coming into force – for instance, millions of pounds have been spent in kennelling and associated costs;
- There is no provision made for an owner to apply to a Court for a seized dog to be returned;
- The Act predicts a dog's behaviour based on its physical conformation, despite the fact this is not possible. This is why dogs placed on the Index of Exempted Dogs have never been proven to be dangerous and why dogs of a breed or type other than those expressly prohibited have been involved in dog attacks.



## Going Forward

It is generally accepted that the Dangerous Dogs Act 1991 is the most discredited piece of legislation on the statute book. The Kennel Club and the DDASG believe current legislation must be overhauled and new legislation introduced to better protect the public against dogs dangerously out of control without compromising individual dogs' welfare.



## Current Activity

The Kennel Club and DDASG have had considerable input to a carefully considered new 'Dog Control Bill' currently progressing through the House of Lords. Lord Redesdale's Private Members Bill embodies the principle of 'deed not breed' and opposes breed specific legislation on the grounds that a dog's behaviour is influenced more by its environment, the training it receives and the responsibility of its owner, than it is by genetics (i.e. its breed or type). This is supported by recent research by Bristol University, which found that Bull breeds (including the banned breed Pit Bull) are no more likely to be aggressive than any other breed.

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Specifically, the Bill looks to change the following:

- **Repeal current 'dangerous dog' legislation**

The police expend significant resources on enforcement of the DDA, with excessive time and money spent on the seizure and kennelling of dogs simply for being of a 'type' - many of which are returned to their owners once proved to be of good temperament. Removing breed specific legislation would allow those resources to be used more effectively elsewhere, concentrating on ALL dogs showing unprovoked aggression.

- **Introduce Dog Control Notices**

The vast majority of dog attacks are the result of irresponsible dog owners. Dog Control Notices will work to prevent serious incidents of aggression by allowing preventative action and will apply to all types of dog that have acted dangerously without provocation (meaning a person could reasonably believe they would cause harm) or caused an injury to another protected animal (defined by the Animal Welfare Act).

- **Apply to both public and private places**

A large proportion of dog attacks occur in the home, which will be covered under the Dog Control Bill. This will make attacks on private property a criminal offence putting greater responsibility on owners to ensure that their dogs are not out of control at any time. However, the Bill does include exemptions to cover circumstances such as an attack or aggression as a result of an attack by another animal or on a person whilst that person is committing an offence.

**The Kennel Club and the DDASG have formed a petition which says:**

*We, the undersigned, call on the government to repeal the Dogs Act 1871, the Dangerous Dogs Act 1991 and the Dangerous Dogs (Amendment) Act 1997.*

We petition the Government to repeal the Dangerous Dogs Act and replace it with alternative legislation that;

- Protects the public against dogs dangerously out of control without compromising any individual dog's welfare
- Embodies the principle of 'deed not breed' and opposes breed specific legislation on the grounds that a dog's behaviour is influenced more by its environment, the training it receives and the responsibility of its owner, than it is by genetics (i.e. its breed or type)
- We support the Dog Control Bill which seeks to better protect the public, place greater responsibility on dog owners and remove the huge welfare implications affecting dogs deemed to be of a certain type. You can support it by visiting: [www.gopetition.com/petitions/repeal-and-replace-the-dangerous-dogs-act.html](http://www.gopetition.com/petitions/repeal-and-replace-the-dangerous-dogs-act.html)

If you support these principles please contact your local Member of Parliament and ask them to support Lord Redesdale's 'Dog Control Bill' and sign the DDASG's petition:

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