



Local Government Act 1988

1988 CHAPTER 9

PART IV

MISCELLANEOUS AND GENERAL

Miscellaneous

39 Control of stray dogs.

- (1) The ^{M1}Dogs Act 1906 shall be amended in accordance with the provisions of this section.
- [^{F1}(2) Section 3 (seizure of stray dogs) shall be amended as follows for the purpose of conferring upon a duly authorised officer of a local authority the same powers as those conferred upon a police officer by that section—
- (a) in subsection (1), after the word “officer” there shall be inserted the words “or a duly authorised officer of a local authority”;
 - (b) in subsections (2) and (4), after the word “behalf” there shall be inserted the words “or a duly authorised officer of a local authority”;
 - (c) in subsection (6), after the word “area” where it first occurs there shall be inserted the words “and the local authority for an area” and for the words “in that area” there shall be substituted the words “by the officers of his force or, as the case may be, by the local authority’s officers”;
 - (d) in subsection (7), for the words from the beginning to the word “section” there shall be substituted the words “A dog seized under this section shall not be disposed of”; and
 - (e) after subsection 9 there shall be inserted the following subsection—

“(9A) In this section and section 4 below, the expression “local authority” means a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly.”]

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1988, Section 39. (See end of Document for details)

- (3) Section 3 shall be amended as follows for the purpose of extending the powers of seizure and detention of stray dogs to those found on land or premises other than highways or places of public resort—
- (a) in subsection (1), after the word “resort” there shall be inserted the words “or on any other land or premises”; and
 - (b) after subsection (1) there shall be inserted the following subsection—

“(1A) The powers under subsection (1) of this section shall not be exercised in relation to a dog found on any land or premises other than a highway or place of public resort unless the owner or occupier of the land or premises has consented to such exercise.”
- [^{F1}(4) At the end of section 4 (1) (delivery of stray dogs to police) there shall be inserted the words “but this subsection shall not apply where the finder is a duly authorised officer of a local authority”.]
- (5) Any enactment in any local Act which amends section 3 or confers powers on a local authority (within the meaning of that section) in relation to that section as it applies to the area of the local authority shall cease to have effect.
- (6) This section shall come into force at the end of the period of two months beginning on the day on which this Act is passed.
- (7) This section extends to England and Wales only.

Textual Amendments

F1 S. 39(2)(4) repealed (*prosp.*) by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 162(2), 164((3), Sch. 16 Pt. IX

Marginal Citations

M1 1906 c. 32.

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Local Government Act 1988, Section 39.