



Dangerous Dogs Act 1991

1991 CHAPTER 65

5 Seizure, entry of premises and evidence

- (1) A constable or an officer of a local authority authorised by it to exercise the powers conferred by this subsection may seize—
 - (a) any dog which appears to him to be a dog to which section 1 above applies and which is in a public place—
 - (i) after the time when possession or custody of it has become unlawful by virtue of that section; or
 - (ii) before that time, without being muzzled and kept on a lead;
 - (b) any dog in a public place which appears to him to be a dog to which an order under section 2 above applies and in respect of which an offence against the order has been or is being committed; and
 - (c) any dog in a public place (whether or not one to which that section or such an order applies) which appears to him to be dangerously out of control.
- (2) If a justice of the peace is satisfied by information on oath, or in Scotland a justice of the peace or sheriff is satisfied by evidence on oath, that there are reasonable grounds for believing—
 - (a) that an offence under any provision of this Act or of an order under section 2 above is being or has been committed; or
 - (b) that evidence of the commission of any such offence is to be found,on any premises he may issue a warrant authorising a constable to enter those premises (using such force as is reasonably necessary) and to search them and seize any dog or other thing found there which is evidence of the commission of such an offence.
- (3) A warrant issued under this section in Scotland shall be authority for opening lockfast places and may authorise persons named in the warrant to accompany a constable who is executing it.
- (4) Where a dog is seized under subsection (1) or (2) above and it appears to a justice of the peace, or in Scotland a justice of the peace or sheriff, that no person has been or is to be prosecuted for an offence under this Act or an order under section 2 above in respect of that dog (whether because the owner cannot be found or for any other

Status: This is the original version (as it was originally enacted).

reason) he may order the destruction of the dog and shall do so if it is one to which section 1 above applies.

- (5) If in any proceedings it is alleged by the prosecution that a dog is one to which section 1 or an order under section 2 above applies it shall be presumed that it is such a dog unless the contrary is shown by the accused by such evidence as the court considers sufficient; and the accused shall not be permitted to adduce such evidence unless he has given the prosecution notice of his intention to do so not later than the fourteenth day before that on which the evidence is to be adduced.