



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 7

DANGEROUS DOGS

106 Keeping dogs under proper control

(1) The Dangerous Dogs Act 1991 is amended as follows.

(2) In section 3 (keeping dogs under proper control)—

(a) in subsection (1)—

(i) for “a public place” there is substituted “any place in England or Wales (whether or not a public place)”;

(ii) after “injures any person” there is inserted “or assistance dog”;

(b) after subsection (1) there is inserted—

“(1A) A person (“D”) is not guilty of an offence under subsection (1) in a case which is a householder case.

(1B) For the purposes of subsection (1A) “a householder case” is a case where—

(a) the dog is dangerously out of control while in or partly in a building, or part of a building, that is a dwelling or is forces accommodation (or is both), and

(b) at that time—

(i) the person in relation to whom the dog is dangerously out of control (“V”) is in, or is entering, the building or part as a trespasser, or

(ii) D (if present at that time) believed V to be in, or entering, the building or part as a trespasser.

Status: This is the original version (as it was originally enacted).

Section 76(8B) to (8F) of the Criminal Justice and Immigration Act 2008 (use of force at place of residence) apply for the purposes of this subsection as they apply for the purposes of subsection (8A) of that section (and for those purposes the reference in section 76(8D) to subsection (8A)(d) is to be read as if it were a reference to paragraph (b)(ii) of this subsection).”;

- (c) subsection (3) is repealed;
- (d) in subsection (4)—
 - (i) the words “or (3)” are omitted;
 - (ii) for “either of those subsections” there is substituted “that subsection”;
 - (iii) in paragraph (b), for “two years” there is substituted “the relevant maximum specified in subsection (4A)”;
- (e) after subsection (4) there is inserted—

“(4A) For the purposes of subsection (4)(b), the relevant maximum is—

- (a) 14 years if a person dies as a result of being injured;
- (b) 5 years in any other case where a person is injured;
- (c) 3 years in any case where an assistance dog is injured (whether or not it dies).”

(3) In section 4 (destruction and disqualification orders), the words “or (3)” are omitted in both places where they occur in subsection (1).

(4) In section 4A (contingent destruction orders)—

- (a) in subsection (1)(a) the words “or (3)” are omitted;
- (b) in subsection (4) the words “or (3)” are omitted.

(5) In section 5 (seizure, entry of premises and evidence)—

- (a) in subsection (1)(c), for “one” there is substituted “a dog”;
- (b) after subsection (1) there is inserted—

“(1A) A constable or an officer of a local authority authorised by it to exercise the powers conferred by this subsection may seize any dog in a place in England or Wales which is not a public place, if the dog appears to the constable or officer to be dangerously out of control.”

(6) In section 10 (interpretation)—

- (a) in subsection (2), after the definition of “advertisement” there is inserted—

““assistance dog” has the meaning given by section 173(1) of the Equality Act 2010;”;
- (b) in subsection (3)—
 - (i) after “injure any person” there is inserted “or assistance dog”;
 - (ii) after “injuring a person” there is inserted “or assistance dog”.

107 Whether a dog is a danger to public safety

(1) The Dangerous Dogs Act 1991 is amended as follows.

(2) In section 1 (dogs bred for fighting) after subsection (6) there is inserted—

“(6A) A scheme under subsection (3) or (5) may in particular include provision requiring a court to consider whether a person is a fit and proper person to be in charge of a dog.”

(3) In section 4 (destruction and disqualification orders) after subsection (1A) there is inserted—

“(1B) For the purposes of subsection (1A)(a), when deciding whether a dog would constitute a danger to public safety, the court—

(a) must consider—

- (i) the temperament of the dog and its past behaviour, and
- (ii) whether the owner of the dog, or the person for the time being in charge of it, is a fit and proper person to be in charge of the dog, and

(b) may consider any other relevant circumstances.”

(4) Section 4B (destruction orders otherwise than on a conviction) is amended as follows—

(a) in subsection (1), after “section 5(1) or (2) below” there is inserted “or in exercise of a power of seizure conferred by any other enactment”;

(b) after subsection (2) there is inserted—

“(2A) For the purposes of subsection (2)(a), when deciding whether a dog would constitute a danger to public safety, the justice or sheriff—

(a) must consider—

- (i) the temperament of the dog and its past behaviour,
and
- (ii) whether the owner of the dog, or the person for the time being in charge of it, is a fit and proper person to be in charge of the dog, and

(b) may consider any other relevant circumstances.”