
STATUTORY INSTRUMENTS

2015 No. 138

**The Dangerous Dogs Exemption Schemes
(England and Wales) Order 2015**

PART 2

Court-Ordered Exemption Scheme

Exemption scheme conditions and requirements

- 4.—(1) The prohibition in section 1(3) of the Act shall not apply to a dog provided that—
- (a) a court has determined that the dog is not a danger to public safety under section 4(1A) or 4B of the Act and has made the dog subject to a contingent destruction order under section 4A or 4B of the Act;
 - (b) the conditions set out in paragraph (2) are met in respect of the dog within the time period set out in paragraph (3); and
 - (c) the requirements attached to the certificate of exemption in accordance with article 10 are complied with throughout the lifetime of the dog.
- (2) The conditions referred to in paragraph (1)(b) are that—
- (a) the dog is neutered in accordance with article 6;
 - (b) the dog is microchipped in accordance with article 7;
 - (c) third-party insurance in respect of the dog is obtained in accordance with article 8; and
 - (d) a certificate of exemption is issued in accordance with article 9.
- (3) Subject to any extension granted by the court under section 4A(2) of the Act, the conditions in articles 6 to 9 must be complied with—
- (a) in the case of an adult dog, within two months beginning with the date the court makes a contingent destruction order;
 - (b) in the case of a dog under the age of six months on the date the court makes a contingent destruction order, within one month of the dog attaining six months.

Failure to meet the conditions or comply with the requirements

5. A dog is not exempt under this Part from the prohibition in section 1(3) of the Act—
- (a) if the conditions referred to in article 4(2) are not met within the time period specified in article 4(3); or
 - (b) if the requirements attached to the certificate of exemption in accordance with article 10 are not complied with at any time after the certificate is issued.

Neutering

6.—(1) A dog that is to be exempted from the prohibition in section 1(3) of the Act, unless already neutered to the satisfaction of the Agency, must—

- (a) in the case of a male dog, be castrated;
- (b) in the case of a female dog, be spayed.

(2) A procedure required by paragraph (1) must be carried out by a veterinary surgeon.

Microchipping

7.—(1) A dog that is to be exempted from the prohibition in section 1(3) of the Act must be implanted with a microchip, unless already microchipped to the satisfaction of the Agency, by a person who—

- (a) is a veterinary surgeon, or a veterinary nurse acting under the direction of a veterinary surgeon;
- (b) is a student of veterinary surgery or a student veterinary nurse and in either case is acting under the direction of a veterinary surgeon; or
- (c) is satisfactorily assessed on a training course approved by the Secretary of State for the purpose of implanting microchips.

(2) For the purposes of this article and article 6—

“student veterinary nurse” and “veterinary nurse” have the same meanings as in Schedule 3 to the Veterinary Surgeons Act 1966(1);

“student of veterinary surgery” has the same meaning as in regulation 3 of the Schedule to the Veterinary Surgeons (Practice by Students) Regulations Order of Council 1981(2);

“veterinary surgeon” means a person registered in the register of veterinary surgeons, or the supplementary veterinary register kept under the Veterinary Surgeons Act 1966.

Third-party insurance

8.—(1) The owner or person in charge of the dog must have in place a policy of insurance in respect of the dog that is to be exempted from the prohibition in section 1(3) of the Act throughout the dog’s lifetime.

(2) Subject to such terms, conditions, limitations and exclusions as may be contained in the policy and subject to paragraph (3), the policy must insure the person specified in it (“the policyholder”) in respect of the death of, or bodily injury to, any person caused by the dog.

(3) The policy need not insure in respect of the death of, or bodily injury to—

- (a) [^{F1}where applicable,] a member of the policyholder’s family who resides permanently with the policyholder; or
- (b) a person in respect of whom the policyholder is required to maintain a policy of insurance by virtue of the Employers’ Liability (Compulsory Insurance) Act 1969(3).

(1) 1966 c.36. Paragraph 6 of Schedule 3 was inserted by S.I. 1991/1412, substituted by S.I. 2002/1479 and amended by S.I. 2008/1824, paragraph 18 of the Schedule. Paragraph 7 of Schedule 3 was inserted by S.I. 2002/1479.

(2) S.I. 1981/988. Regulation 3 was substituted by the Schedule to S.I. 1995/2397.

(3) 1969 c.57

Textual Amendments

- F1** Words in art. 8(3)(a) inserted (31.12.2023) by [The Dangerous Dogs \(Exemption Schemes and Miscellaneous Provisions\) \(England and Wales\) Order 2023 \(S.I. 2023/1407\)](#), arts. 1(2)(b), **11(3)**

Issue of certificate of exemption

9.—^[F2](1) ^[F3]Subject to paragraph (2), the Agency must issue a certificate of exemption in respect of the dog if it is satisfied that—

- (a) the court, in determining that the dog is not a danger to public safety, has decided the person to whom the certificate is to be issued is a fit and proper person to be in charge of the dog and has made the dog subject to a contingent destruction order;
- (b) a fee of £77.00 plus Value Added Tax has been paid to the Agency; and
- (c) the conditions referred to in articles 6 to 8 have been met.

^[F4](2) Where the dog is a dog of the type known as the XL Bully that is owned by a rehoming organisation to which a certificate of exemption had been issued in respect of the dog under Part 2 of the Dangerous Dogs (Exemption Schemes and Miscellaneous Provisions) (England and Wales) Order 2023, a certificate of exemption may not be issued by the Agency under paragraph (1) unless it is issued to that rehoming organisation.]

Textual Amendments

- F2** Art. 9 renumbered as art. 9(1) (31.12.2023) by [The Dangerous Dogs \(Exemption Schemes and Miscellaneous Provisions\) \(England and Wales\) Order 2023 \(S.I. 2023/1407\)](#), arts. 1(2)(b), **11(4)(a)**
- F3** Words in art. 9(1) substituted (31.12.2023) by [The Dangerous Dogs \(Exemption Schemes and Miscellaneous Provisions\) \(England and Wales\) Order 2023 \(S.I. 2023/1407\)](#), arts. 1(2)(b), **11(4)(b)**
- F4** Art. 9(2) inserted (31.12.2023) by [The Dangerous Dogs \(Exemption Schemes and Miscellaneous Provisions\) \(England and Wales\) Order 2023 \(S.I. 2023/1407\)](#), arts. 1(2)(b), **11(4)(c)**

Requirements attached to certificate of exemption

10.—(1) A certificate issued under article 9 must contain requirements—

^[F5](a) where the owner or person in charge of the dog is a natural person—

- (i) to keep the dog at the same address as the person to whom the certificate is issued except for any 30 days in a 12-month period;
- (ii) to notify the Agency of any proposed change of address (other than in respect of any changes of address in the 30 days referred to in paragraph (i));

(b) where the owner is a rehoming organisation—

- (i) to ensure that the dog lives at the premises specified in the certificate at all times, except where the dog is relocated from those premises to other premises in the event of a fire or other emergency;
- (ii) where, in the event of a fire or other emergency, the dog is relocated from the premises specified in the certificate to other premises, to notify the Agency in writing of the change of premises and the address of the premises to which the dog has been relocated;

- (iii) to ensure that a sufficient number of staff are present daily at the premises where the dog is living to provide for the care and management of the dogs being kept at those premises;]
- (c) to notify the Agency of the death or export of the dog;
- (d) to satisfy the Agency that a policy of third-party insurance compliant with article 8 is in force;
- (e) to keep the dog muzzled and on a lead when in a public place;
- (f) to keep the dog in sufficiently secure conditions to prevent its escape;
- (g) to provide access to the dog for the purpose of reading a microchip on request by a person specified in section 5(1) of the Act;
- (h) to produce to a person specified in section 5(1) of the Act confirmation that third-party insurance compliant with article 8 is in force within five days of being requested to do so by that person;
- (i) to produce to a person specified in section 5(1) of the Act the certificate issued under article 9 within five days of being requested to do so by that person.
- (2) The certificate may also contain such additional requirements, including the imposition of time limits, as the Agency may reasonably require for the purpose of ensuring that the requirements of this article are met.

Textual Amendments

- F5** Art. 10(1)(a)(b) substituted (31.12.2023) by virtue of [The Dangerous Dogs \(Exemption Schemes and Miscellaneous Provisions\) \(England and Wales\) Order 2023 \(S.I. 2023/1407\)](#), arts. 1(2)(b), **11(5)**

Arrangements between interim and court-ordered exemption schemes

11. When a dog has been released under the interim exemption scheme in Part 4 and is subsequently made subject to a contingent destruction order by the court under section 4A or 4B of the Act—

- (a) the requirements set out in article 25 (additional requirements) continue to apply until a certificate of exemption is issued in accordance with article 9; and
- (b) if the conditions in article 4(2) are not met within the time limits in article 4(3) the dog may be seized under section 5 of the Act with a view to its destruction in accordance with the contingent destruction order.

[^{F6}Change of premises: rehoming organisations

11A.—(1) This article applies where the holder of a certificate of exemption—

- (a) is a rehoming organisation; and
- (b) proposes to relocate the dog to which the certificate relates from the premises referred to in the certificate to other premises occupied by the holder for any reason other than an emergency.

(2) The holder of the certificate of exemption may apply to the Agency to vary the certificate of exemption.

(3) An application under paragraph (2) must contain such particulars, be in such form and be accompanied by such evidence as the Agency may reasonably require.

(4) On receipt of an application under paragraph (3), the Agency may vary the certificate of exemption if satisfied that the dog to which the certificate relates will continue to be owned and cared for by the holder of the certificate of exemption.

(5) Where the Agency approves the variation of a certificate of exemption, the Agency must issue a replacement certificate.]

Textual Amendments

F6 Art. 11A inserted (31.12.2023) by [The Dangerous Dogs \(Exemption Schemes and Miscellaneous Provisions\) \(England and Wales\) Order 2023 \(S.I. 2023/1407\)](#), arts. 1(2)(b), **11(6)**

Changes to legislation:

There are currently no known outstanding effects for the The Dangerous Dogs Exemption Schemes (England and Wales) Order 2015, PART 2.