
STATUTORY INSTRUMENTS

2023 No. 1407

**The Dangerous Dogs (Exemption Schemes and
Miscellaneous Provisions) (England and Wales) Order 2023**

PART 2

Exemption Scheme for Rehoming Organisations

Interpretation

2. In this Part—

“the Act” means the Dangerous Dogs Act 1991;

“certificate of exemption” means a certificate issued under article 4 or any replacement certificate issued under article 9 or 10(1);

“rehoming organisation” means an organisation whose purposes are, or include—

- (a) the provision of care to dogs that have been abandoned or relinquished by their previous owners; and
- (b) the rehoming of dogs taken into their care.

Exemption from the prohibition in section 1(3) of the Act

3.—(1) The prohibition in section 1(3) of the Act does not apply to a dog of the type known as the XL Bully if—

- (a) the Secretary of State has issued a certificate of exemption in respect of that dog; and
- (b) the certificate of exemption remains valid.

(2) A certificate of exemption ceases to be valid under paragraph (1)(b) on—

- (a) the failure to comply with any condition attached to the certificate of exemption; or
- (b) the date specified in a notice of withdrawal issued by the Secretary of State under article 10(2).

Application for a certificate of exemption

4.—(1) A rehoming organisation may apply to the Secretary of State for a certificate of exemption in respect of a dog of the type known as the XL Bully if it owns the dog and the dog was taken into its care on or before 31st October 2023.

(2) An application for a certificate of exemption must contain such particulars, be in such form and be accompanied by such evidence as the Secretary of State may reasonably require.

(3) A rehoming organisation applying for a certificate of exemption must pay the Secretary of State a fee of £92.40.

(4) On receipt of an application for a certificate of exemption, the Secretary of State must grant the application and issue a certificate of exemption in respect of the dog to which the application relates if—

- (a) the application for the certificate is made on or before 15th January 2024;
- (b) the Secretary of State is satisfied that the application meets the requirements in paragraph (2); and
- (c) the application fee referred to in paragraph (3) has been paid to the Secretary of State on or before 15th January 2024.

Certificate of exemption

5. A certificate of exemption must—

- (a) contain a unique number (or combination of letters and figures);
- (b) contain information to identify the holder of the certificate, the dog to which the certificate applies and the premises where the dog is living; and
- (c) include conditions requiring the holder of the certificate—
 - (i) to ensure that the dog lives at the premises specified in the certificate at all times, except where it 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 Secretary of State 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;
 - (iv) to notify the Secretary of State of the death or export of the dog;
 - (v) to satisfy the Secretary of State that a policy of third-party insurance compliant with article 6 is in force;
 - (vi) to keep the dog muzzled and on a lead when in a public place;
 - (vii) to keep the dog in sufficiently secure conditions to prevent its escape;
 - (viii) to provide access to the dog for the purposes of reading a microchip on request by a person specified in section 5(1) of the Act⁽¹⁾;
 - (ix) to produce to a person specified in section 5(1) of the Act confirmation that a policy of third-party insurance compliant with article 6 is in force within five days of being requested to do so by that person;
 - (x) to produce to a person specified in section 5(1) of the Act the certificate of exemption within five days of being requested to do so by that person;
 - (xi) to satisfy the Secretary of State that the requirement in article 7 has been met in respect of the dog; and
 - (xii) where applicable, to satisfy the Secretary of State that the requirements in article 8 have been met in respect of the dog.

(1) Section 5(1)(c) was amended in relation to England and Wales by section 106(5) of the Anti-social Behaviour, Crime and Policing Act 2014.

Third-party insurance

6.—(1) A rehoming organisation which applies for a certificate of exemption under article 4 must have in place a policy of insurance in respect of the dog identified in the application which comes into effect no later than 1st February 2024 and complies with paragraph (3).

(2) The holder of a certificate of exemption must have in place a policy of insurance in respect of the dog identified in the certificate which complies with paragraph (3) and is renewed annually throughout the lifetime of the dog.

(3) Subject to paragraph (4), a policy of insurance for the purposes of paragraph (1) or (2) must insure the policyholder in respect of the death of, or bodily injury to, any person caused by the dog.

(4) A policy of insurance under this article—

- (a) may contain terms, conditions, limitations and exclusions subject to which the policy is issued; and
- (b) need not provide insurance in respect of the death of, or bodily injury to, 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⁽²⁾.

Neutering

7.—(1) The holder of a certificate of exemption must, on or before the relevant date, provide the Secretary of State with such evidence as the Secretary of State may reasonably require that the dog in respect of which the certificate has been issued has been neutered.

(2) In paragraph (1)—

“neutered” means—

- (a) in relation to a male dog, castrated;
- (b) in relation to a female dog, spayed;

“relevant date” means—

- (a) in relation to a dog that was at least 12 months old on 31st January 2024, 30th June 2024;
- (b) in relation to a dog that was less than 12 months old on 31st January 2024, 31st December 2024.

Microchipping

8.—(1) This article applies where—

- (a) a certificate of exemption has been issued in respect of a dog; and
- (b) at the time that the application for the certificate of exemption was made under article 4 (“the time of application”), the dog was not implanted with a microchip because it was unfit to be microchipped.

(2) The holder of the certificate of exemption must provide the Secretary of State with the following evidence on or before 31st March 2024—

- (a) such evidence as the Secretary of State may reasonably require to ascertain the date on which the dog will become fit to be microchipped; or
- (b) such evidence as the Secretary of State may reasonably require to confirm that the dog has been implanted with a microchip.

(3) Where evidence is provided in accordance with paragraph (2)(a), the holder of the certificate of exemption must provide the Secretary of State with such evidence as the Secretary of State may

(2) 1969 c. 57.

reasonably require to confirm that the dog has been implanted with a microchip before the end of the period of 28 days beginning with the day on which the dog first became fit to be microchipped.

(4) For the purposes of this article, a dog is only unfit to be microchipped if a certificate has been issued in respect of the dog under—

- (a) regulation 4(1) of the Microchipping of Cats and Dogs (England) Regulations 2023⁽³⁾; or
- (b) regulation 3(2) of the Microchipping of Dogs (Wales) Regulations 2015⁽⁴⁾.

Change of premises

9.—(1) This article applies where the holder of a certificate of exemption 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 Secretary of State 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 Secretary of State may reasonably require.

(4) On receipt of an application under paragraph (3), the Secretary of State 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 Secretary of State approves the variation of a certificate of exemption, the Secretary of State must issue a replacement certificate.

Further provision about certificates of exemption

10.—(1) The Secretary of State may issue a new certificate of exemption to replace an existing certificate of exemption that was issued in respect of a dog where—

- (a) the holder of the existing certificate—
 - (i) notifies the Secretary of State in writing of a change in the holder's name or contact details on the existing certificate and provides the Secretary of State with such evidence as the Secretary of State may reasonably require in relation to the change; or
 - (ii) notifies the Secretary of State of the relocation of the dog in the event of a fire or other emergency as required under article 5(c)(ii); or
- (b) evidence has been provided to confirm that the dog has been implanted with a microchip in accordance with article 8.

(2) The Secretary of State may by notice in writing withdraw a certificate of exemption if the holder has requested that the Secretary of State withdraw the certificate.

(3) The holder of a certificate of exemption who makes a request for the withdrawal of the certificate under paragraph (2) must make the request in such form as the Secretary of State may reasonably require.

⁽³⁾ S.I. 2023/468.

⁽⁴⁾ S.I. 2015/1990 (W. 300).