

Dogs (Protection of Livestock) Bill

[AS INTRODUCED]

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[AS INTRODUCED]

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B I L L

TO

Amend the Dogs (Protection of Livestock) Act 1953; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Amendments to the Dogs (Protection of Livestock) Act 1953

- (1) The Dogs (Protection of Livestock) Act 1953 is amended as follows.
- (2) In section 1(2)(c), leave out “or otherwise under close control”.
- (3) In section 1(6)(a), leave out “not exceeding level 3 on the standard scale”.
- (4) In section 1(6)(b), leave out “not exceeding level 3 on the standard scale”. 5
- (5) After section 2(2) insert—
“(2A) Where in the case of a dog found on any land in England or Wales (other than premises) a police officer or inspector has reasonable cause to believe that the dog has been attacking or worrying livestock on land (whether the land on which the dog is found or other land) that appears to be agricultural land, the police officer or inspector may seize the dog and may detain it for as long as necessary to identify and secure evidence of the commission of an offence under section 1 of this Act.” 10
- (6) After section 2A, insert— 15
“**2AA Seizure, entry of premises and evidence**
 - (1) A constable or an officer of a local authority authorised to exercise the powers conferred by this subsection may seize any dog which appears to be a dog to which section 1 applies.
 - (2) If a justice of the peace is satisfied by information on oath that there are reasonable grounds for believing— 20
 - (a) that an offence under any provision of this Act is being or has been committed, or

- (b) that evidence of the commission of any such offence is to be found,
 on any premises the justice of the peace may issue a warrant authorising a constable to enter those premises (using such force as is reasonably necessary) and to search them for any of the purposes in subsection (3). 5
- (3) Those purposes are—
- (a) to identify the dog;
 - (b) to ascertain who is the owner of the dog in the event that no person is present who admits to being the owner or to being in charge of the dog, in which case the constable or inspector may seize the dog and may detain it until the owner has claimed it and paid all expenses incurred by reason of its detention, and 10
 - (c) to examine, seize and detain the dog in order to identify and secure evidence of the commission of an offence under this Act. 15
- (4) If in any proceedings it is reasonably alleged by the prosecution that a dog is one to which section 1 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. 20
- (5) The accused shall not be permitted to adduce such evidence unless the accused has given the prosecution notice of the intention to do so not later than the fourteenth day before that on which the evidence is to be adduced. 25

2AB Power to have dog examined

- (1) Where a dog has been seized by a constable or inspector under this Act, the constable or inspector may, without prejudice to any other power and whether or not in the presence of the owner or person in charge of the dog, arrange for the dog to be examined by a veterinary surgeon, and for the veterinary surgeon to take samples from the dog, for the purposes of identifying and securing evidence of the commission of an offence under this Act.” 30
- (7) After section 2(B) insert—

“2C Recovery of expenses where dogs are seized and detained 35

- (1) Where a person has committed an offence under this Act and the dog involved in that offence has been detained under this Act, that person will be liable for the expenses incurred by reason of the seizure and detention of the dog.
- (2) Where a dog is seized under this Act and it appears to a justice of the peace that no person has been or is to be prosecuted for an offence under this Act in respect of that dog (whether because the owner 40

cannot be found or for any other reason) the justice of the peace may order the sale of the dog or the destruction of the dog.

- (3) Any proceeds from the sale of a dog under subsection (2) shall be offset against the expenses incurred as a result of the seizure and detention of the dog.”

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2 Extent, commencement and short title

- (1) This Act extends to England and Wales only.
- (2) This Act comes into force on such day or days as the Secretary of State may by regulations made by statutory instrument appoint.
- (3) This Act may be cited as the Dogs (Protection of Livestock) Act 2021.

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