

- (c) that the circumstances are otherwise such that it would be unreasonable not to discharge the order.
- (4) Where the grounds on which the application is based include a change of ownership of the dog, the statement must include the name and address of the person who has day-to-day charge of the dog at the current time. 5
- (5) If the local authority declines to grant the application, P may by summary application appeal to the court.

10 Prosecution

- (1) A person guilty of an offence under section 2 of this Act shall be liable to one or more of the following— 10
- (a) a control order which requires the person responsible for the dog to comply with a control notice (where the person has not previously complied);
- (b) a disqualification order which disqualifies the person responsible for the dog from keeping dogs for a specified period of time; 15
- (c) a deprivation order which removes custody of the dog from the person responsible for it;
- (d) a destruction order which stipulates that the dog in question must be destroyed;
- (e) on summary conviction other than for the aggravated offence, imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 5 on the standard scale; 20
- (f) on summary conviction for the aggravated offence, imprisonment for a term not exceeding 51 weeks or a fine not exceeding the statutory minimum, or both; or 25
- (g) on indictment for the aggravated offence, imprisonment for a term not exceeding two years or a fine, or both.
- (2) Where a deprivation order is made under subsection (1)(c) the court may dispose of the dog—
- (a) by selling or giving it to a person who will, in the court's opinion, care properly for the dog; 30
- (b) by selling it or giving it to an establishment for the reception of stray dogs; or
- (c) by destroying it in a manner to cause as little pain as possible; 35
- but no dog seized under this section shall be sold or given for the purposes of vivisection.
- (3) In proceedings for an offence under section 2 of this Act, or failure to comply with the provisions set out in a control notice, if the proceedings are against a person who is the owner of a dog but was not at the material time in charge of it, it shall be a defence for the accused to prove that the dog was at the material time in the charge of a person whom he reasonably believed to be a fit and proper person to be in charge of it. 40
- (4) Where an order is made under subsection (1)(d) for the destruction of a dog owned by a person other than the offender, the owner may appeal to the Crown Court against the order. 45
- (5) Disqualification under subsection (1)(b) disqualifies a person—
- (a) from owning animals,

- (b) from keeping animals,
 - (c) from participating in the keeping of animals,
 - (d) from being party to an arrangement under which he is entitled to control or influence the way in which animals are kept, and
 - (e) from dealing in animals.
- 5

11 Powers to seize and destroy dogs

- (1) An officer of a police force or a local authority authorised by it to exercise the powers conferred by this section may seize any dog which is subject to the proceedings outlined in section 10.
- (2) If a court is satisfied by information on oath that there are reasonable grounds for believing that an offence under any provision of this Act is being or has been committed on any premises, the court may issue a warrant authorising a constable to enter those premises, using such force as is necessary and to search them and seize any dog or other thing found there which is evidence of the commission of such an offence. 10
- (3) A court may issue a disposal order – 15
- (a) by selling or giving it to a person who will, in the court's opinion, care properly for the dog;
 - (b) by selling it or giving it to an establishment for the reception of stray dogs; or 20
 - (c) by destroying it in a manner to cause as little pain as possible; but no dog seized under this section shall be sold or given for the purposes of vivisection.
- (4) A court may issue a destruction order for the disposal of any dogs held prior to trial for prosecutions under section 10 of this Act if it is thought necessary to protect the dog's welfare. 25
- (5) A court may issue a seizure order for non-compliance with a dog control order, as set out in section 7.

12 Repeals

- The following Acts are repealed – 30
- (a) the Dogs Act 1871;
 - (b) the Dangerous Dogs Act 1989;
 - (c) the Dangerous Dogs Act 1991;
 - (d) the Dangerous Dogs (Amendment) Act 1997.

13 Short title, interpretation, commencement and extent 35

- (1) This Act may be cited as the Dog Control Act 2010.
- (2) In this Act – 40
- “local authority” has the same meaning as in section 149 of the Environmental Protection Act 1990;
 - “public place” means any street, road or other place (whether or not enclosed) to which the public have or are permitted to have access whether for payment or otherwise and includes the common parts of a building containing two or more separate dwellings.

-
- (3) For the purposes of this Act, a dog shall be regarded as dangerously out of control on any occasion on which there are grounds for reasonable apprehension that it will injure any person, whether or not it actually does so, but references to a dog injuring a person or there being grounds for reasonable apprehension that it will do so do not include references to any case in which the dog is being used for a lawful purpose by a constable or a person in the service of the Crown or a person licensed by a body established by the Private Security Industry Act 2001 or a person who complies with BS8517-1. 5
 - (4) For the purposes of this Act, a dog shall be regarded as having been involved in an attack if it has bitten, mauled or injured a person or another protected animal. 10
 - (5) Any order made under this Act is to be made by statutory instrument and shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
 - (6) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint. 15
 - (7) This Act extends to England and Wales only.

SCHEDULE

Section 4

DATABASES

Contents of database

1 (1) The database must contain the following information in relation to each dog registered – 5

- (a) name and address of the owner, or owners where there is joint ownership;
- (b) a contact telephone number for each owner;
- (c) name of the dog;
- (d) number of the transponder device implanted; 10
- (e) breed of the dog;
- (f) sex of the dog;
- (g) year of birth of the dog; and
- (h) a reference to any other dogs registered under the owner’s name on the database. 15

(2) The database operator must record or update this information within five working days of receipt of the information.

(3) For the purposes of paragraphs 1 and 3, “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which in England is a bank holiday under the Banking and Financial Dealings Act 1971. 20

Accuracy

2 The database operator must have in place a checking system to ensure that any information inputted is accurate.

Access to information

25

3 (1) The database operator must –

- (a) answer all telephone calls received in normal working hours on all working days;
- (b) provide the information in section 6 free of charge to authorised third parties during all normal working hours; and 30
- (c) charge a reasonable rate for the telephone call.

(2) For the purposes of sub-paragraphs (1)(a) and (1)(b) “normal working hours” means the hours between 9am and 5pm.

(3) For the purposes of sub-paragraph (1)(b), “authorised third parties” means – 35

- (a) any police constable;
- (b) any representative of the appropriate national authority; or
- (c) any representative of the local authority.

Contingency provisions

- 4 The database operator must—
- (a) have adequate computer software and hardware to store the information in the database;
 - (b) maintain a secure electronic backup of all of the information stored in the database; 5
 - (c) make provisions for the transfer of the information contained in the database to another database operator if the database ceases to operate; and
 - (d) be compliant with EU ISO standards. 10

Dog Control Bill [HL]

A

B I L L

[AS AMENDED ON REPORT]

To make provision about the control of dogs; and for connected purposes.

Lord Redesdale

Ordered to be Printed, 10th June 2011

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