

Norfolk & Suffolk Crime Prevention

Guidance Note

Dangerous Dogs



The Law

It's against the law to let a dog be dangerously out of control anywhere, such as:

- in a public place
- in a private place, eg a neighbour's house or garden
- in the owner's home and garden

The law applies to all dogs.

A dog is considered dangerously out of control if it:

- injures someone (aggravated offence)
- puts someone in fear or apprehension of injury

A court could also decide that a dog is dangerously out of control if either of the following applies: (this is not necessarily a criminal offence)

- it attacks someone's animal
- the owner of an animal thinks they could be injured if they tried to stop your dog attacking their animal

A farmer has the right to shoot your dog if it's worrying their livestock.

Penalties

For Further Crime Prevention Advice:-

For Norfolk dial 101 and ask to speak to your local Architectural Liaison Officer (ALO)

For Suffolk dial 101 and ask to speak to your local Safer Neighbourhood Team

The penalty for having a dangerously out of control dog is an unlimited fine or a prison sentence of up to 6 months (or both). In addition offenders may be banned from owning a dog in the future and the dog may be destroyed.

If a dog injures someone, the owner can be sent to prison for up to 5 years or fined (or both). If an owner deliberately uses the dog to injure someone they could be charged with 'malicious wounding'.

If an owner allows their dog to kill someone they can be sent to prison for up to 14 years or get an unlimited fine (or both).

If a dog attacks an assistance dog (e.g. a guide dog) or puts them in fear, the owner/offender can be sent to prison for up to 3 years or fined (or both).

How to report a dog incident

Anyone can report a dog and their owner to the police.

You can report a dangerous dog to your local council. You can find your local council at:

<https://www.gov.uk/find-your-local-council>

Banned dogs

In the UK, it's against the law to own certain types of dog. These are the:

- Pit Bull Terrier
- Japanese Tosa
- Dogo Argentino
- Fila Brasileiro

It's also against the law to:

- sell a banned dog
- abandon a banned dog
- give away a banned dog
- breed from a banned dog

Whether a dog is a banned type depends on what it looks like, rather than its breed or name.

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Example If a dog matches many of the physical characteristics of a Pit Bull Terrier, it may be a banned type.

The police can take banned dogs away and keep it, even if:

- it isn't acting dangerously
- there hasn't been a complaint

The police may need permission from a court to do this.

If the dog is in:

- a public place, the police don't need a warrant
- a private place, the police must get a warrant
- a private place and the police have a warrant for something else (like a drugs search), they cannot seize the dog
- police cannot seize the dog as evidence of an offence (it must be under the Dangerous Dog Act or Welfare Act)

A police expert will judge the type of dog it is and whether it is (or could be) a danger to the public, and that the owner is a responsible one and should keep a dog like this. The dog will then either be:

- released
- kept in kennels while the police apply to a court

Owners are not allowed to visit their dog while awaiting the court decision.

Owners can give up ownership of their dog but can't be forced to. If they do, the dog could be destroyed without the owner going to court.

Going to court

It's the owner's responsibility to prove their dog is not a banned type, there are independent Experts who can identify the dog for the court case.

If the dog is not found to be of a banned type, the court will order the dog to be returned to the owner. If they can't prove it (or they plead guilty), they will be convicted of a crime.

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Owners can get an unlimited fine or be sent to prison for up to 6 months (or both) for having a banned dog against the law. The dog will also be destroyed.

Police can also take the owner to court through civil proceedings and not through a criminal court.

Index of Exempted Dogs

If a dog is banned but the court thinks it's not a danger to the public and the owner has proved they can be responsible for this type of dog, the court may allow the dog to be put on the Index for Exempted dogs (which is held by DEFRA).

Owners will be given a Certificate of Exemption by Defra, once certain criteria's have been met. This is valid for the life of the dog.

The dog must be:

- neutered
- microchipped
- kept on a lead and muzzled at all times when in public (including in a vehicle)
- kept in a secure place (garden) so it can't escape

Owners must:

- take out 3rd party insurance against their dog injuring other people
- pay Defra a set fee for going onto the register
- be aged over 16
- show the Certificate of Exemption when asked by a police officer or council dog warden, either at the time or within 5 days
- let the Index (Defra) know of any changes (e.g. address), or if your dog dies

Public Spaces Protection Orders

Some public areas in England and Wales are covered by Public Spaces Protection Orders (PSPOs) - previously called Dog Control Orders (DCOs).

In public areas with PSPOs, dog owners may have to:

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- keep their dog on a lead
- put their dog on a lead if told to by a police officer, police community support officer or someone from the council
- stop their dog going to certain places - like farmland or parts of a park
- limit the number of dogs they have with them (this applies to professional dog walkers too)
- clear up after the dog

PSPOs only apply to public land.

If owners ignore a PSPO, they can be fined:

- £100 on the spot (a 'Fixed Penalty Notice')
- up to £1,000 if it goes to court

Owners can't be fined if they are a registered blind dog owner.

Local councils must let the public know where PSPOs are in place.

Example If dogs aren't allowed in a park, there must be signs saying so.

If the council plans to put a new PSPO in place, it must put up a notice and publish it in a local newspaper and on its website.

The notice must tell you:

- where the new PSPO will apply
- if there's a map of the location and where it can be seen

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