



21 August 2023

Dear Constituent

Dangerous Dogs Act 1991

Thank you for contacting me about dangerous dogs. I share your concerns about dog attacks that have taken place in recent weeks. They are extremely distressing and I would like to express my deepest sympathy to all the families of those who have died due to dogs that have been out of control.

I recognise the strength of feeling regarding the existing provisions around dog breeds in the Dangerous Dogs Act 1991. However, I am also aware that any changes to current legislation would require careful consideration to ensure that public safety remains at the heart of the regime. I am aware that simply repealing the breed specific provisions contained in the Dangerous Dogs Act with no other changes may increase the risks to public safety. The Government firmly believes that these restrictions play an important part in tackling dangerous dogs.

Under the Dangerous Dogs Act, it is an offence to allow any dog to be out of control in any place. Furthermore, the Dogs Act 1871 allows a complaint to be made to a Magistrates' court by any individual, the police, or local authorities where dogs are dangerous and not kept under proper control. The court may make any order it considers appropriate to require owners to keep their dogs under proper control.

In December 2021, the Department for Environment, Food and Rural Affairs (Defra) published research in collaboration with Middlesex University, investigating measures to reduce dog attacks and promote responsible dog ownership across all breeds of dog. The report made recommendations relating to improved data recording and collection, consistency in enforcement practice, the quality of dog training and dog awareness courses, and improved awareness of appropriate behaviour around dogs.

My ministerial colleagues and I take this disturbing rise in dog attacks very seriously and are exploring measures to reduce dog attacks and promote responsible ownership. The Government has worked with animal welfare partners, the police and local authorities to promote safer interactions between children and dogs. The Canine and Feline Sector Group #DogSafetyCode reminds all the public to "be alert, be aware and be safe".

The code of practice for the welfare of dogs provides guidance to owners about handling their dogs responsibly to prevent the occurrence of attacks or chasing. It sets out how dogs need to be trained and introduced gradually and positively to different environments, people and animals. It is important that the police and the courts are able to employ a range of measures to limit the risks to public safety. Community Protection Notices (CPNs) can be served by police and local authorities on dog owners whose dogs are behaving aggressively and can require them to take appropriate action to prevent a reoccurrence of the offending behaviour. Breaching of a CPN is also a criminal offence, leading to a maximum penalty of £2,500.

Losing a pet is very distressing. I know that there are already measures in place to tackle the dangerous behaviour of dogs. It is an offence under Section 3(1) of the Dangerous Dogs Act 1991 to allow a dog to be dangerously out of control. I am aware that the law does not exclude an attack by a dog on another animal from the offence of allowing a dog to be dangerously out of control.

Further, Section 2 of the Dogs Act 1871 also allows a complaint to be made to a magistrate's court where a dog is "dangerous and not kept under proper control". The court may make any order it considers appropriate, to require the owner to keep the dog under proper control, or if necessary, that it be destroyed. In addition, the Anti-social Behaviour, Crime and

Policing Act 2014 also includes community protection notices to enable the police and local authorities to tackle irresponsible dog ownership. Local authorities also have powers to make public space protection orders under the 2014 Act, excluding dogs from certain areas or insisting they are kept on leads.

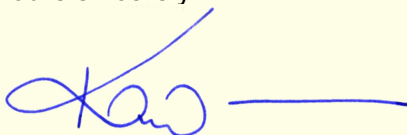
Despite the general prohibitions on these types of dogs, there are exemptions in place to allow individual prohibited dogs to be kept by their owners if a court judges that the dog is not a danger to the public safety. The court must consider the temperament of the dog and its past behaviour, whether the proposed owner is a fit and proper person, and may consider any other relevant circumstances, such as whether the dog can be kept in a suitable environment. If the court considers these criteria to be met, the dog can be listed on the Index of Exempted Dogs and must be kept under strict conditions, including being on a lead and muzzled in public.

Regarding the rehoming of exempted dogs, I understand that current legislation only permits transfer of keepership of prohibited dogs where the existing keeper has died or is seriously ill. However, case law has confirmed that a person with a pre-existing relationship with the dog may apply to place it on the Index, even if they are not the owner or most recent keeper.

I am aware that professional dog walkers should comply with all relevant legislation, including the Animal Welfare Act 2006, which protects animals under the dog walker's control, as well as the Health and Safety at Work Act 1974, which protects the employees of dog walking businesses. They should also comply with any relevant local authority requirements, not walk more dogs at any one time than their insurance policy allows, and ensure that their dogs are kept under control at all times. I understand that the Canine and Feline Sector Group published guidance to assist professional dog walkers, which recommended that no more than four dogs be walked at any one time. This is an issue I will continue to monitor closely.

While the Government does not have any current plans to ban the sale or breeding of American bully XL dogs, I know that Defra established an expert Responsible Dog Ownership working group with the police, local authorities and animal welfare experts to identify additional measures to reduce dog attacks and promote responsible dog ownership across all dog breeds. I look forward to reading more about the group's recommendations in due course.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Kaw', followed by a horizontal line extending to the right.

Daniel Kawczynski MP
Member of Parliament for Shrewsbury & Atcham