



Laura Lacey RVN MBVNA, Cert SAN, Cert VN Dentistry, C-SQP
Dentistry, C-SQP

Laura worked with horses for two years, then trained and qualified as a small animal VN in 2004. She worked in first opinion, referral and emergency, as a locum, as a groom in Germany and as a VN in Spain. Now she is employed by Dogs Trust as an education and community vet nurse in North Wales.

An update on the Dangerous Dogs Act 1991

Laura Lacey RVN MBVNA, Cert SAN, Cert VN Dentistry, C-SQP
Dogs Trust, 17 Wakley Street, London EC1V 7RQ, UK

ABSTRACT: We have all heard of the Dangerous Dogs Act 1991 but how much do we actually understand about what it means for dog owners? On 13 May 2014 the Anti-Social Behaviour, Crime & Policing Act 2014 led to amendments to the Dangerous Dogs Act which could have far-reaching implications for all dog owners. This article highlights some of the most important changes; these do not relate to Breed Specific Legislation, which is beyond the scope of this article.

Introduction

The Dangerous Dogs Act 1991 was amended in 1997 and again on 13 May 2014 in line with the Anti-Social Behaviour, Crime and Policing Act 2014. If you want to read the whole Act, it is available at www.legislation.gov.uk. Section 1 is mainly Breed Specific Legislation which remained unchanged at the last consultation.

Section 3 has undergone the most changes, and this is where I would like to focus your attention. It relates to keeping dogs under proper control, a subject that affects us all, even in the veterinary practice waiting room where we often have to remind owners to keep their dogs on a lead! Previously, owners were considered to have breached the Dangerous Dogs Act if they did not

have their dog under control when out walking or if the dog escaped from their home or garden and was running around in the street (**Figure 1**).

This is where the first big change has been made. The amended law section 3 (1) states that it is an offence if a dog is out of control in any place in England or Wales. What many people will not understand is that this includes their own property. If a dog is out of control, and a person reasonably fears they may be injured by the dog, even in the owner's garden, the owner could now face prosecution. It is also now considered an *aggravated offence* if the dog actually injures a person or assistance dog. The injury could be a bite, a scratch or another injury not directly inflicted by the dog but caused by it, for example a bruise from a fall.



Figure 1. Any dog has the potential to cause injury or instil fear

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If the dog is within a dwelling – i.e. a building defined as a place that is lived in – and a person illegally enters the dwelling as a trespasser, the incident can be defended using ‘a householder case’: the dog is considered to be protecting its home and its family and a trespasser cannot prosecute the owner for injury from the dog. However, if the trespasser breaks in, is chased by the dog into the garden and is then injured, they can prosecute the owner. In addition, if the householder or a member of their family invites the person into the house, or an individual enters legally (e.g. a police officer in pursuit of enquiries, by invitation or with a warrant), then the ‘householder case’ does not apply. Basically, a dog biting an intruder or burglar in the house is acceptable in the eyes of the law but a dog that causes any injuries in any other circumstances will land its owner in big trouble.

The consequences for the owner of a dog that has committed an aggravated offence have also dramatically increased. Along with an unlimited fine, unlimited compensation, costs and disqualification from having custody of a dog, maximum prison sentences are now as follows:

- 3 years if an assistance dog is injured or killed
- 5 years if a person is injured
- 14 years if a person dies as a result of their injuries.

Non-aggravated incidents can still lead to six months in prison, a £5,000 fine plus costs and compensation.

The definition of an assistance dog is not clear but it does include dogs that are trained to assist blind or deaf people and a dog trained by a prescribed charity to assist a disabled person. Further clarification of the definition is to be found in the Equality Act 2010.

While these increases in sentences could act as a deterrent to some, sadly they do not represent a solution. They are simply punishing after the event and they do

not serve to educate, train or prevent these occurrences. I am sure we would all rather not be bitten in the first place than know that the dog’s owner is being sent to prison as a result of the offence. The dog may be subject to a destruction order (section 4) but that is dependent on the severity of the incident, the temperament of the dog, the ability of the owner to be a ‘fit and proper’ person and what measures can be implemented to prevent recurrence (muzzling, keeping the dog on a lead at all times, excluding it from certain places, etc.).

Further implications of the Dangerous Dogs Act extend to veterinary staff in the workplace. When a client is attending the veterinary clinic with their pet, they are still responsible for their dog’s behaviour. We understand dogs and are very patient with them and we can appreciate that some dogs are stressed, just as some of us are at the dentist and, consequently, they may react negatively while they are with us. The law still covers us should a dog injure or attack us at work.

However, it works the other way too: while a dog is a patient of ours, we are deemed responsible for its behaviour. If we are out walking the dog and it attacks a person or makes them fearful, then we could potentially be held accountable. The same applies to dog walkers and others who are responsible for dogs on behalf of their owners, so care must be taken to ensure that safety is paramount and that dogs are trained to be relaxed and calm on the lead in public places (**Figure 2**). Public liability insurance policies should be checked to ensure that they are adequate.

Not every case will lead to prosecution through the Crown Court. It must be deemed to be in the public interest to prosecute and there must be sufficient evidence to make it likely that the prosecution will result in a conviction.

These changes are of relevance to us all, as veterinary professionals and dog owners. If we are aware of the law, we



Figure 2. Most dogs can be trained to be relaxed and calm on the lead in public

are in a position to educate the dog owners that come to us. Sometimes good dogs do bad things – it may not be their fault – and I’m sure we all know that a grumpy arthritic dog can react badly if subjected to pain by someone who inadvertently strokes him too roughly, for example. The law is long and confusing for most of us and expert help should be sought in the event of any incident to get the best possible result for all involved.

There are also further changes to come in the next year with new microchipping regulations. [vni](#)

If you would like more information about the law affecting dogs and dog ownership, it is available in the form of videos and can be accessed at www.doglaw.tv for a fee of £10 per module (DogLaw 2014).

References

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