



Dangerous Dogs (Amendment) Act 1997

1997 CHAPTER 53

An Act to amend the Dangerous Dogs Act 1991; and for connected purposes. [21st March 1997]

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 Destruction orders

- (1) In paragraph (a) of subsection (1) of section 4 (destruction and disqualification orders) of the Dangerous Dogs Act 1991 (“the 1991 Act”), after the words “committed and” there shall be inserted the words “, subject to subsection (1A) below,”.
- (2) After that subsection there shall be inserted the following subsection—

“(1A) Nothing in subsection (1)(a) above shall require the court to order the destruction of a dog if the court is satisfied—

 - (a) that the dog would not constitute a danger to public safety; and
 - (b) where the dog was born before 30th November 1991 and is subject to the prohibition in section 1(3) above, that there is a good reason why the dog has not been exempted from that prohibition.”
- (3) In subsection (2) of that section, the words “then, unless the order is one that the court is required to make” shall cease to have effect.
- (4) In subsection (3)(a) of that section, the words “, where the order was not one that the court was required to make” shall cease to have effect.

2 Contingent destruction orders

After section 4 of the 1991 Act there shall be inserted the following section—

“4A Contingent destruction orders

- (1) Where—
- (a) a person is convicted of an offence under section 1 above or an aggravated offence under section 3(1) or (3) above;
 - (b) the court does not order the destruction of the dog under section 4(1) (a) above; and
 - (c) in the case of an offence under section 1 above, the dog is subject to the prohibition in section 1(3) above,
- the court shall order that, unless the dog is exempted from that prohibition within the requisite period, the dog shall be destroyed.
- (2) Where an order is made under subsection (1) above in respect of a dog, and the dog is not exempted from the prohibition in section 1(3) above within the requisite period, the court may extend that period.
- (3) Subject to subsection (2) above, the requisite period for the purposes of such an order is the period of two months beginning with the date of the order.
- (4) Where a person is convicted of an offence under section 3(1) or (3) above, the court may order that, unless the owner of the dog keeps it under proper control, the dog shall be destroyed.
- (5) An order under subsection (4) above—
- (a) may specify the measures to be taken for keeping the dog under proper control, whether by muzzling, keeping on a lead, excluding it from specified places or otherwise; and
 - (b) if it appears to the court that the dog is a male and would be less dangerous if neutered, may require it to be neutered.
- (6) Subsections (2) to (4) of section 4 above shall apply in relation to an order under subsection (1) or (4) above as they apply in relation to an order under subsection (1)(a) of that section.”

3 Destruction orders otherwise than on a conviction

- (1) After section 4A of the 1991 Act there shall be inserted the following section—

“4B Destruction orders otherwise than on a conviction

- (1) Where a dog is seized under section 5(1) or (2) below and it appears to a justice of the peace, or in Scotland a justice of the peace or sheriff—
- (a) that no person has been or is to be prosecuted for an offence under this Act or an order under section 2 above in respect of that dog (whether because the owner cannot be found or for any other reason); or
 - (b) that the dog cannot be released into the custody or possession of its owner without the owner contravening the prohibition in section 1(3) above,
- he may order the destruction of the dog and, subject to subsection (2) below, shall do so if it is one to which section 1 above applies.

- (2) Nothing in subsection (1)(b) above shall require the justice or sheriff to order the destruction of a dog if he is satisfied—
 - (a) that the dog would not constitute a danger to public safety; and
 - (b) where the dog was born before 30th November 1991 and is subject to the prohibition in section 1(3) above, that there is a good reason why the dog has not been exempted from that prohibition.
 - (3) Where in a case falling within subsection (1)(b) above the justice or sheriff does not order the destruction of the dog, he shall order that, unless the dog is exempted from the prohibition in section 1(3) above within the requisite period, the dog shall be destroyed.
 - (4) Subsections (2) to (4) of section 4 above shall apply in relation to an order under subsection (1)(b) or (3) above as they apply in relation to an order under subsection (1)(a) of that section.
 - (5) Subsections (2) and (3) of section 4A above shall apply in relation to an order under subsection (3) above as they apply in relation to an order under subsection (1) of that section, except that the reference to the court in subsection (2) of that section shall be construed as a reference to the justice or sheriff.”
- (2) In section 5 of the 1991 Act (seizure, entry of premises and evidence), subsection (4) (which is superseded by this section) shall cease to have effect.

4 Extended application of 1991 Order

- (1) Where an order is made under section 4A(1) or 4B(3) of the 1991 Act, Part III of the Dangerous Dogs Compensation and Exemption Schemes Order 1991 (exemption scheme) shall have effect as if—
 - (a) any reference to the appointed day were a reference to the end of the requisite period within the meaning of section 4A or, as the case may be, section 4B of the 1991 Act;
 - (b) paragraph (a) of Article 4 and Article 6 were omitted; and
 - (c) the fee payable to the Agency under Article 9 were a fee of such amount as the Secretary of State may by order prescribe.
- (2) The power to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

5 Transitional provisions

- (1) This Act shall apply in relation to cases where proceedings have been instituted before, as well as after, the commencement of this Act.
- (2) In a case where, before the commencement of this Act—
 - (a) the court has ordered the destruction of a dog in respect of which an offence under section 1, or an aggravated offence under section 3(1) or (3), of the 1991 Act has been committed, but
 - (b) the dog has not been destroyed,

that destruction order shall cease to have effect and the case shall be remitted to the court for reconsideration.

- (3) Where a case is so remitted, the court may make any order in respect of the dog which it would have power to make if the person in question had been convicted of the offence after the commencement of this Act.

6 Short title, commencement and extent

- (1) This Act may be cited as the Dangerous Dogs (Amendment) Act 1997.
- (2) This Act does not extend to Northern Ireland.
- (3) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.