



Environmental Protection Act 1990

1990 CHAPTER 43

PART VIII

MISCELLANEOUS

Control of Dogs

149 Seizure of stray dogs.

- (1) Every local authority shall appoint an officer (under whatever title the authority may determine) for the purpose of discharging the functions imposed or conferred by this section for dealing with stray dogs found in the area of the authority.
- (2) The officer may delegate the discharge of his functions to another person but he shall remain responsible for securing that the functions are properly discharged.
- (3) Where the officer has reason to believe that any dog found in a public place or on any other land or premises is a stray dog, he shall (if practicable) seize the dog and detain it, but, where he finds it on land or premises which is not a public place, only with the consent of the owner or occupier of the land or premises.
- (4) Where any dog seized under this section wears a collar having inscribed thereon or attached thereto the address of any person, or the owner of the dog is known, the officer shall serve on the person whose address is given on the collar, or on the owner, a notice in writing stating that the dog has been seized and where it is being kept and stating that the dog will be liable to be disposed of if it is not claimed within seven clear days after the service of the notice and the amounts for which he would be liable under subsection (5) below are not paid.
- (5) A person claiming to be the owner of a dog seized under this section shall not be entitled to have the dog returned to him unless he pays all the expenses incurred by reason of its detention and such further amount as is for the time being prescribed.
- (6) Where any dog seized under this section has been detained for seven clear days after the seizure or, where a notice has been served under subsection (4) above, the service

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of the notice and the owner has not claimed the dog and paid the amounts due under subsection (5) above the officer may dispose of the dog—

- (a) by selling it or giving it to a person who will, in his opinion, care properly for the dog;
- (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;

but no dog seized under this section shall be sold or given for the purposes of vivisection.

- (7) Where a dog is disposed of under subsection (6)(a) or (b) above to a person acting in good faith, the ownership of the dog shall be vested in the recipient.
- (8) The officer shall keep a register containing the prescribed particulars of or relating to dogs seized under this section and the register shall be available, at all reasonable times, for inspection by the public free of charge.
- (9) The officer shall cause any dog detained under this section to be properly fed and maintained.
- (10) Notwithstanding anything in this section, the officer may cause a dog detained under this section to be destroyed before the expiration of the period mentioned in subsection (6) above where he is of the opinion that this should be done to avoid suffering.
- (11) In this section—

“local authority”, in relation to England ^{F1}. . ., means a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly [^{F2}in relation to Wales, means a county council or a county borough council] and, in relation to Scotland, means [^{F3}a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

“officer” means an officer appointed under subsection (1) above;

“prescribed” means prescribed in regulations made by the Secretary of State; and

“public place” means—

- (i) as respects England and Wales, any highway and any other place to which the public are entitled or permitted to have access;
- (ii) as respects Scotland, any road (within the meaning of the ^{M1}Roads (Scotland) Act 1984) and any other place to which the public are entitled or permitted to have access;

and, for the purposes of section 160 below in its application to this section, the proper address of the owner of a dog which wears a collar includes the address given on the collar.

Annotations:

Amendments (Textual)

- F1** Words in
s. 149(11)
repealed (1.4.1996) by
1994 c. 19

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Environmental Protection Act 1990. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

ss. 22(3)

,

66(8)

,

Sch. 9 para. 17(13)

,

Sch.18

(with

ss. 54(7)

,

66(7)

,

Sch. 17 paras. 22

,

23(2)

);

S.I. 1996/396

,

art. 3

,

Sch.1

F2 Words in

s. 149(11)

inserted (1.4.1996) by

1994 c. 19

,

s. 22(3)

,

Sch. 9 para. 17(13)

(with

ss. 54(7)

,

66(7)

,

Sch. 17 paras. 22

,

23(2)

);

S.I. 1996/396

,

art. 3

,

Sch.1

F3 Words in

s. 149(11)

substituted (S.) (1.4.1996) by

1994 c. 39

,

s. 180(1)

,

Sch. 13 para. 167(17)

;

S.I. 1996/323

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,
[art. 4\(c\)](#)

Modifications etc. (not altering text)

C1 [S. 149](#)
extended (1.4.1992) by
[S.I. 1992/901](#)

,
[art. 4](#)

Commencement Information

II [S. 149](#)
wholly in force;
[s. 149](#)
not in force at Royal Assent see.
[s. 164\(3\)](#)
;
[s. 149](#)
in force for certain purposes at 14.2.1992 see
[S.I.](#)
[. 1992/266](#), art. 2;
[s. 149](#)
in force in so far as not then already in force at 1.4.1992 see
[s. 164\(3\)](#)
and
[S.I. 1992/266](#)

,
[art. 3](#)

Marginal Citations

M1 [1984 c. 54](#)

150 Delivery of stray dogs to ^{F4} . . . local authority officer.

- (1) Any person (in this section referred to as “the finder”) who takes possession of a stray dog shall forthwith either—
- (a) return the dog to its owner; or
 - (b) take the dog—
 - (i) to the officer of the local authority for the area in which the dog was found; ^{F5} . . .
 - (ii)
and shall inform the officer of the local authority ^{F6} . . . where the dog was found.
- (2) Where a dog has been taken under subsection (1) above to the officer of a local authority, then—
- (a) if the finder desires to keep the dog, he shall inform the officer of this fact and shall furnish his name and address and the officer shall, having complied

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- with the procedure (if any) prescribed under subsection (6) below, allow the finder to remove the dog;
- (b) if the finder does not desire to keep the dog, the officer shall, unless he has reason to believe it is not a stray, treat it as if it had been seized by him under section 149 above.
- (3) Where the finder of a dog keeps the dog by virtue of this section he must keep it for not less than one month.
- (4) In Scotland a person who keeps a dog by virtue of this section for a period of two months without its being claimed by the person who has right to it shall at the end of that period become the owner of the dog.
- (5) If the finder of a dog fails to comply with the requirements of subsection (1) or (3) above he shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (6) The Secretary of State may, by regulations, prescribe the procedure to be followed under subsection (2)(a) above.
- (7) In this section “local authority” and “officer” have the same meaning as in section 149 above.

Annotations:

Amendments (Textual)

- F4** Words in
s. 150
heading repealed (E.W.) (6.4.2008) by
[Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#)
,
ss. 68(4)
,
107
,
108
,
Sch. 5 Pt. 6
,
S.I. 2008/956
,
art. 2(b)
- F5** S. 150(1)(b)(ii)
and preceding word repealed (E.W.) (6.4.2008) by
[Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#)
,
ss. 68(3)(a)
,
107
,
108
,
Sch. 5 Pt. 6
,

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S.I. 2008/956

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art. 2(b)

F6

Words in

s. 150(1)

repealed (E.W.) (6.4.2008) by

Clean Neighbourhoods and Environment Act 2005 (c. 16)

,

ss. 68(3)(b)

,

107

,

108

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Sch. 5 Pt. 6

;

S.I. 2008/956

,

art. 2(b)

Commencement Information

12

S. 150

wholly in force;

s. 150

not in force at Royal Assent see

s. 164(3)

;

s. 150

in force for certain purposes at 14.2.1992 see

s. 164(3)

and

S.I. 1992/266

,

art. 2

;

s. 150

in force in so far as not then already in force at 1.4.1992 see

s. 164(3)

and

S.I. 1992/266

,

art. 3

.

151 Enforcement of orders about collars and tags for dogs.

(1) Section 13 of the Animal Health Act 1981 (orders for control, etc. of dogs) shall be amended by the insertion, after subsection (2), of the following subsections—

“(3) An order under subsection (2)(a) above may include provision for the execution and enforcement of the order by the officers of local authorities (and not by the police force for any area).

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- (4) In subsection (3) above “local authority” and “officer” have the same meaning as in section 149 of the Environmental Protection Act 1990.”
- (2) In section 50(1) of that Act (meaning of “local authority”) at the end there shall be inserted the words “and to section 13(3) above”.
- (3) In section 60(1) of that Act (enforcement), at the end, there shall be inserted the words “but subject, in the case of orders under section 13, to any provision made under subsection (3) of that section.”

Annotations:

Commencement Information

- I3** [S. 151](#)
wholly in force;
[s. 151](#)
not in force at Royal Assent see
[s. 164\(3\)](#)
;
[s. 151](#)
in force for certain purposes at 14.2.1992 see
[s. 164\(3\)](#)
and
[S.I. 1992/266](#)
,
art. 2
;
[s. 151](#)
in force in so far as not then already in force at 1.4.1992 see
[s. 164\(3\)](#)
and
[S.I. 1992/266](#)
,
art. 3
.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 2A amendment to earlier affecting provision S.I. 2005/3467, reg. 2, Schs. 1, 2 by [S.I. 2018/429](#)
[reg. 2\(4\)](#)
- Pt. 2A amendment to earlier affecting provision S.I. 2006/1379, regs. 3-17, Sch. by [S.I. 2018/429](#)
[reg. 3](#)
- Pt. 2A amendment to earlier affecting provision S.I. 2006/2988, regs. 3-17, Sch. by [S.I. 2018/725](#)
[reg. 3](#)
- –
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– Pt. 2A amendment to earlier affecting provision SI 2006/1379 regs. 3-17 Sch. by [S.I. 2016/562](#)
[Sch. 2](#)
[para. 9](#)
- Pt. 2A amendment to earlier affecting provision SI 2006/2988 regs. 3-17 Sch. by [S.I. 2016/562](#)
[Sch. 2](#)
[para. 10](#)
- Pt. 2A amendment to earlier affecting provision SI 2007/3240 regs. 3, 15 by [S.I. 2016/562](#)
[Sch. 2](#)
[para. 11](#)
- s. 33ZA inserted by [S.I. 2016/334](#)
[reg. 2\(2\)](#)
- s. 33ZB inserted by [S.I. 2017/1024](#)
[reg. 2\(2\)](#)
- s. 34D and cross-heading inserted by [2016 anaw 3](#)
[s. 66\(1\)](#)
- s. 45AA 45AB inserted by [2016 anaw 3](#)
[s. 65](#)
- s. 46A-46D inserted by [2015 c. 20](#)
[s. 58\(3\)](#)
- s. 59ZB 59ZC inserted by [S.I. 2018/369](#)
[Sch. 1](#)
[para. 2](#)
- s. 65(8) excluded by [S.I. 2016/779](#)
[art. 9\(2\)](#)
- s. 71(5)(6) inserted by [2016 c. 25](#)
[Sch. 2](#)
[para. 4](#)

- s. 87(4D) inserted by
[S.I. 2018/171](#)
[reg. 21](#)
- s. 88(5A)(a)(b) substituted for words by
[2014 asp 3](#)
[sch. 3](#)
[para. 11\(4\)\(b\)](#)
- s. 88(8A)-(8D) inserted by
[2014 asp 3](#)
[sch. 3](#)
[para. 11\(4\)\(e\)](#)
- s. 88(10A)(10B) inserted by
[2014 asp 3](#)
[sch. 3](#)
[para. 11\(4\)\(g\)](#)
- s. 88A inserted by
[2014 c. 12](#)
[s. 154\(2\)](#)
- s. 89(1)(ba) inserted by
[2015 c. 7](#)
[Sch. 1](#)
[para. 111\(2\)\(b\)](#)
- s. 89(2)(c) inserted by
[2015 c. 7](#)
[Sch. 1](#)
[para. 111\(3\)\(b\)](#)
- s. 98(5B) inserted by
[2015 c. 7](#)
[Sch. 1](#)
[para. 112\(3\)](#)
- s. 108(11) inserted by
[2015 asp 1](#)
[sch.](#)
[para. 4\(2\)](#)
- s. 111(12) inserted by
[2015 asp 1](#)
[sch.](#)
[para. 4\(3\)](#)
- s. 126(9) inserted by
[2015 asp 1](#)
[sch.](#)
[para. 4\(4\)](#)
- s. 153(1)(a)-(nn) substituted for s. 153(1)(a)-(aaa) by
[S.I. 2015/479](#)
[art. 2](#)
- s. 153(1)(z1) added by
[S.S.I. 2015/210](#)
[art. 2](#)
- s. 153(1)(z2) added by
[S.S.I. 2016/406](#)
[art. 2](#)
- s. 161(2AA)(2AB) inserted by
[2016 anaw 3](#)
[s. 69\(4\)](#)
- s. 161(2ZB)(2ZC) inserted by
[2014 c. 12](#)

s. 154(3)