



# Dangerous Dogs Act 1991

## 1991 CHAPTER 65

### 3 Keeping dogs under proper control. **E+W**

- (1) If a dog is dangerously out of control in [<sup>F1</sup>any place in England or Wales (whether or not a public place)]—
- (a) the owner; and
  - (b) if different, the person for the time being in charge of the dog,
- is guilty of an offence, or, if the dog while so out of control injures any person [<sup>F2</sup>or assistance dog], an aggravated offence, under this subsection.

[<sup>F3</sup>(1A) A person (“D”) is not guilty of an offence under subsection (1) in a case which is a householder case.]

[<sup>F3</sup>(1B) For the purposes of subsection (1A) “a householder case” is a case where—

- (a) the dog is dangerously out of control while in or partly in a building, or part of a building, that is a dwelling or is forces accommodation (or is both), and
- (b) at that time—
  - (i) the person in relation to whom the dog is dangerously out of control (“V”) is in, or is entering, the building or part as a trespasser, or
  - (ii) D (if present at that time) believed V to be in, or entering, the building or part as a trespasser.

Section 76(8B) to (8F) of the Criminal Justice and Immigration Act 2008 (use of force at place of residence) apply for the purposes of this subsection as they apply for the purposes of subsection (8A) of that section (and for those purposes the reference in section 76(8D) to subsection (8A)(d) is to be read as if it were a reference to paragraph (b)(ii) of this subsection.)]

- (2) In proceedings for an offence under subsection (1) above against a person who is the owner of a dog but was not at the material time in charge of it, it shall be a defence for the accused to prove that the dog was at the material time in the charge of a person whom he reasonably believed to be a fit and proper person to be in charge of it.

<sup>F4</sup>(3) .....

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*Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent*  
*Changes to legislation: There are currently no known outstanding effects for the Dangerous Dogs Act 1991, Section 3. (See end of Document for details)*

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- (4) A person guilty of an offence under subsection (1)<sup>F5</sup>... above other than an aggravated offence is liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both; and a person guilty of an aggravated offence under [<sup>F6</sup>that subsection] is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding [<sup>F7</sup>the relevant maximum specified in subsection (4A)] or a fine or both.

[<sup>F8</sup>(4A) For the purposes of subsection (4)(b), the relevant maximum is—

- (a) 14 years if a person dies as a result of being injured;
  - (b) 5 years in any other case where a person is injured;
  - (c) 3 years in any case where an assistance dog is injured (whether or not it dies).]
- (5) It is hereby declared for the avoidance of doubt that an order under section 2 of the <sup>M1</sup>Dogs Act 1871 (order on complaint that dog is dangerous and not kept under proper control)—
- (a) may be made whether or not the dog is shown to have injured any person; and
  - (b) 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.
- (6) If it appears to a court on a complaint under section 2 of the said Act of 1871 that the dog to which the complaint relates is a male and would be less dangerous if neutered the court may under that section make an order requiring it to be neutered.
- (7) The reference in section 1(3) of the <sup>M2</sup>Dangerous Dogs Act 1989 (penalties) to failing to comply with an order under section 2 of the said Act of 1871 to keep a dog under proper control shall include a reference to failing to comply with any other order made under that section; but no order shall be made under that section by virtue of subsection (6) above where the matters complained of arose before the coming into force of that subsection.

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#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

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#### Textual Amendments

- F1** Words in s. 3(1) substituted (E.W.) (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 106\(2\)\(a\)\(i\)](#), 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2014/949, art. 3, Sch. para. 6
- F2** Words in s. 3(1) inserted (E.W.) (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 106\(2\)\(a\)\(ii\)](#), 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2014/949, art. 3, Sch. para. 6
- F3** S. 3(1A)(1B) inserted (E.W.) (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 106\(2\)\(b\)](#), 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2014/949, art. 3, Sch. para. 6
- F4** S. 3(3) repealed (E.W.) (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 106\(2\)\(c\)](#), 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2014/949, art. 3, Sch. para. 6
- F5** Words in s. 3(4) omitted (E.W.) (13.5.2014) by virtue of [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 106\(2\)\(d\)\(i\)](#), 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2014/949, art. 3, Sch. para. 6
- F6** Words in s. 3(4) substituted (E.W.) (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 106\(2\)\(d\)\(ii\)](#), 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2014/949, art. 3, Sch. para. 6

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**Changes to legislation:** There are currently no known outstanding effects for the Dangerous Dogs Act 1991, Section 3. (See end of Document for details)

- F7** Words in s. 3(4)(b) substituted (E.W.) (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), ss. 106\(2\)\(d\)\(iii\)](#), 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 6 (with art. 9)
- F8** S. 3(4A) inserted (E.W.) (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), ss. 106\(2\)\(e\)](#), 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 6 (with art. 9)

#### Commencement Information

- I1** S. 3 wholly in force at 12.8.1991, see s. 10(4) and [S.I. 1991/1742, art. 3](#).

#### Marginal Citations

- M1** 1871 c.56.  
**M2** 1989 c. 30.

### 3 Keeping dogs under proper control. **S**

(1) If a dog is dangerously out of control in [<sup>F9</sup>any place (whether or not a public place)]—

- (a) the owner; and
- (b) if different, the person for the time being in charge of the dog,

is guilty of an offence, or, if the dog while so out of control injures any person, an aggravated offence, under this subsection.

(2) In proceedings for an offence under subsection (1) above against a person who is the owner of a dog but was not at the material time in charge of it, it shall be a defence for the accused to prove that the dog was at the material time in the charge of a person whom he reasonably believed to be a fit and proper person to be in charge of it.

<sup>F10</sup>(3) .....

(4) A person guilty of an offence under subsection (1) <sup>F11</sup>... above other than an aggravated offence is liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both; and a person guilty of an aggravated offence under [<sup>F12</sup>that subsection] is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

<sup>F13</sup>(5) .....

<sup>F13</sup>(6) .....

<sup>F13</sup>(7) .....

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F9** Words in s. 3(1) substituted (S.) (26.2.2011) by [Control of Dogs \(Scotland\) Act 2010 \(asp 9\), ss. 10, 18\(2\)](#) (with s. 16)
- F10** S. 3(3) repealed (S.) (26.2.2011) by [Control of Dogs \(Scotland\) Act 2010 \(asp 9\), s. 18\(2\), Sch. 1 para. 2\(2\)\(a\)](#) (with s. 16)

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- F11** Words in s. 3(4) repealed (S.) (26.2.2011) by Control of Dogs (Scotland) Act 2010 (asp 9), s. 18(2), **Sch. 1 para. 2(2)(b)(i)** (with s. 16)
- F12** Words in s. 3(4) substituted (S.) (26.2.2011) by Control of Dogs (Scotland) Act 2010 (asp 9), s. 18(2), **Sch. 1 para. 2(2)(b)(ii)** (with s. 16)
- F13** S. 3(5)-(7) repealed (S.) (26.2.2011) by Control of Dogs (Scotland) Act 2010 (asp 9), s. 18(2), **Sch. 1 para. 2(2)(c)** (with s. 16)
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#### **Commencement Information**

- I2** S. 3 wholly in force at 12.8.1991, see s. 10(4) and S.I. 1991/1742, **art. 3.**

**Status:**

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**Skip to:**

- E+W - England and Wales extent
- S - Scotland extent

**Changes to legislation:**

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