
STATUTORY INSTRUMENTS

1992 No. 288

ENVIRONMENTAL PROTECTION

The Environmental Protection (Stray Dogs) Regulations 1992

Made - - - - *19th February 1992*
Laid before Parliament *19th February 1992*
Coming into force - - *1st April 1992*

The Secretary of State for the Environment as respects England, the Secretary of State for Scotland as respects Scotland, and the Secretary of State for Wales as respects Wales, in exercise of their powers under sections 149(5), (8) and (11), 150(2) and (6), and 161 of the Environmental Protection Act 1990(1), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Environmental Protection (Stray Dogs) Regulations 1992 and shall come into force on 1st April 1992.

(2) In these Regulations, “the Act” means the Environmental Protection Act 1990, and “seized dog” means a dog seized pursuant to section 149 of that Act.

Prescribed amount to be paid by owner of seized dog

2. For the purposes of section 149(5) of the Act, the sum of £25 (twenty-five pounds) is hereby prescribed as the further amount (additional to all expenses) to be paid by a person claiming to be the owner of a seized dog before he is entitled to have the dog returned to him.

Register of seized dogs — prescribed particulars

3. For the purposes of section 149(8) of the Act, the following are the prescribed particulars to be contained in the register of seized dogs which is kept by the officer—

- (a) a brief description of each dog, including its breed (if known), and any distinctive physical characteristics or markings, tattoos or scars;
- (b) any information which is recorded on a tag or collar worn by, or which is otherwise carried by, the dog;
- (c) the date, time and place of the seizure;

- (d) where a notice has been served pursuant to section 149(4), the date of service of the notice, and the name and address of the person on whom it has been served;
- (e) where the officer disposes of the dog pursuant to section 149(6)—
 - (i) the date of disposal;
 - (ii) whether disposal was by destruction, gift or sale, and if by sale, the price obtained;
 - (iii) the name and address of the purchaser, donee or person effecting the destruction; and
- (f) where the dog was returned to a person claiming to be its owner, the name and address of that person, and the date of return.

Procedure where finder desires to keep a stray dog

4.—(1) This regulation prescribes the procedure to be followed by the officer for the purposes of section 150(2)(a) before a finder desiring to keep a stray dog is allowed to remove it.

(2) The officer shall make a clear and accurate record of the following matters in a permanent form suitable for reference purposes—

- (a) a brief description of the dog, including its breed (if known), and any distinctive physical characteristics or markings, tattoos or scars;
- (b) any information which is recorded on a tag or collar worn by, or which is otherwise carried by, the dog;
- (c) the date, time and place of the finding of the dog; and
- (d) the name and address of the finder.

(3) Where the owner of the dog can be identified and can readily be contacted, the officer shall make reasonable attempts to contact him, and, if appropriate in the circumstances of the case, afford him forthwith a reasonable opportunity to collect the dog.

(4) The officer shall make all such enquiries as he considers appropriate in the circumstances of the case to ascertain that the finder is a fit and proper person to keep the dog, and that he is able to feed and care for it.

(5) The officer shall inform the finder both verbally and in writing that the finder is obliged under section 150(3) to keep the dog (if unclaimed by the owner) for not less than one month, and that failure to comply with that obligation is a criminal offence.

17th February 1992

Michael Heseltine
Secretary of State for the Environment

19th February 1992

Ian Lang
Secretary of State for Scotland

17th February 1992

David Hunt
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement certain provisions of the Environmental Protection Act 1990 with regard to stray dogs, which come into force on 1st April 1992.

Under section 149 of that Act, a local authority officer must be appointed for dealing with stray dogs found in the authority's area. An owner wishing to reclaim a dog which has strayed is not entitled so to do unless he or she pays the authority's expenses incurred by reason of the dog's detention, together with a further prescribed amount. These Regulations prescribe an amount of £25 as the further amount to be so paid.

Section 149(8) obliges the officer to keep a register of dogs seized by him or her, and these Regulations prescribe the particulars that are to be entered in the register, which is available for public inspection. The Regulations also prescribe the procedure to be followed by the officer where a dog is found by a member of the public who wishes to keep it.