
STATUTORY INSTRUMENTS

1991 No. 1744

DOGS

**The Dangerous Dogs Compensation
and Exemption Schemes Order 1991**

<i>Made</i>	- - - -	<i>25th July 1991</i>
<i>Laid before Parliament</i>		<i>26th July 1991</i>
<i>Coming into force</i>	- -	<i>12th August 1991</i>

In exercise of the powers conferred upon me by subsections (3), (5) and (6) of section 1 of the Dangerous Dogs Act 1991⁽¹⁾, I hereby make the following Order:

PART I

PRELIMINARY

1.—(1) This Order may be cited as the Dangerous Dogs Compensation and Exemption Schemes Order 1991 and shall come into force on 12th August 1991.

(2) In this Order—

- (a) “the Act” means the Dangerous Dogs Act 1991;
- (b) “the Agency” means the person or body for the time being designated by the Secretary of State to discharge those functions under this Order, which, in pursuance thereof, are functions falling to be discharged by the Agency;
- (c) “the appointed day” means the day appointed for the purposes of section 1(3) of the Act; and
- (d) unless the context otherwise requires, any reference to an article is to an article of this Order and any reference in an article to a paragraph is to a paragraph of that article.

PART II

COMPENSATION SCHEME

2.—(1) The owner of a dog to which section 1 of the Act applies who has arranged for it to be destroyed before the appointed day shall be paid by the Secretary of State the sums mentioned in paragraphs (2) and (3), if, after complying with article 6 (provision of information to the police), he makes written application to the Agency in such form, containing such particulars and supported by such evidence as the Agency may reasonably require for the purpose of satisfying themselves—

- (a) that the dog is one to which section 1 applies;
- (b) that the applicant is the owner of the dog;
- (c) that he has complied with article 6; and
- (d) that the dog has been destroyed,

and the Agency are satisfied as aforesaid.

(2) The sum payable in respect of dogs in relation to which the Agency are so satisfied shall be—

- (a) in the case of a pit bull terrier £25;
- (b) in the case of a Japanese Tosa £100; and
- (c) in the case of a dog of a type designated in an order under section 1(1)(c) of the Act £100.

(3) The sum payable in respect of the cost of destruction of a dog in relation to which the Agency are so satisfied shall be £25.

PART III

EXEMPTION SCHEME

3. The prohibition contained in subsection (3) of section 1 of the Act⁽²⁾ (no person to have in his possession or custody after the appointed day a dog to which that section applies) shall not apply to a dog born before the appointed day in respect of which the conditions specified in article 4, or as the case may be, article 5 are complied with.

Conditions for adult dogs

4. In the case of a dog which is over the age of six months on the appointed day, the conditions referred to in article 3 are—

- (a) that article 6 has been complied with;
- (b) that the requirements of article 7 have been complied with;
- (c) that there is in force in respect of the dog third party insurance which complies with article 8;
- (d) that the fee specified in article 9 has been paid;
- (e) that a certificate of exemption issued in accordance with article 10 is in force; and
- (f) that the requirements specified in the certificate, in accordance with article 10, are complied with.

(2) By virtue of the Dangerous Dogs Act 1991 (Commencement and Appointed Day) Order 1991 (S.I. 1991/1742) 30th November 1991 is the day after which possession of a dog to which section 1 of the Act applies becomes an offence.

Conditions for puppies

5. In the case of a dog which is under the age of six months on the appointed day, the conditions referred to in article 3 are those specified in article 4 except that the conditions contained in paragraphs (b) to (f) of article 4 need not be complied with until after the appointed day as long as they are complied with within one month of the dog's attaining the age of six months.

Reporting to the Police

6. The owner of a dog to which section 1 of the Act applies who wishes to claim compensation in accordance with Part II of this Order and a person who wishes such a dog to be exempt from the provisions of section 1(3) of the Act shall, in the case of a dog to which article 4 applies, before 12th October 1991, and in the case of a dog to which article 5 applies, before the appointed day, report to a police station and provide the police with such information concerning the dog as may reasonably be required by the Secretary of State for the purpose of establishing—

- (a) that the dog is one to which section 1 of the Act applies; and
- (b) the address at which the dog is kept; and
- (c) the name, age and gender of the dog.

Neutering and Identification

7.—(1) A male dog which is to be exempted from the provisions of section 1(3) of the Act shall be castrated, and a female dog which is to be so exempted shall be spayed, in either case by a registered veterinary practitioner, and the dog shall be provided with permanent identification in such form as may be prescribed by the Agency in order that it may be readily ascertained that the relevant operation has been performed on it.

(2) A person wishing to claim exemption shall provide the Agency with such evidence as they may require of the fact that the requirements of paragraph (1) have been met.

Third Party Insurance

8.—(1) There shall be in force in respect of a dog which is to be exempted from the provisions of section 1(3) of the Act a policy of insurance which insures the person specified in the policy in respect of the death of, or bodily injury to, any person caused by the dog.

(2) A person wishing to claim exemption shall provide the Agency with such evidence as they may require of the fact that the dog is insured in accordance with paragraph (1).

The Fee

9. The fee payable to the Agency in respect of a certificate of exemption shall be £12.50 and value added tax thereon.

Certificate of Exemption

10.—(1) If satisfied that the conditions referred to in paragraphs (a) to (d) of article 4 have been met, the Agency shall issue a certificate of exemption in respect of the dog.

(2) Such a certificate shall contain the following requirements:

- (a) a requirement to notify the Agency of any change of address at which the dog to which it relates is kept for a period in excess of 30 days;
- (b) a requirement to notify the Agency of the death or export of the dog;

- (c) a requirement, on request by a person specified in section 5(1) of the Act, to produce the certificate to such a person within five days of being requested to do so;
- (d) a requirement, on request by a person specified in section 5(1) of the Act, to display the dog's permanent identification pursuant to article 7 to such a person;
- (e) a requirement to satisfy the Agency that a policy of insurance which complies with article 8 continues in force;
- (f) a requirement to keep the dog to which it relates in sufficiently secure conditions to prevent its escape.

(3) Such a certificate may also contain such additional requirements, including the imposition of time limits, as the Agency may reasonably require for the purpose of ensuring that the requirements of this article are complied with.

11. The Secretary of State shall make such payments to the Agency in respect of the discharge by them of functions under this Order as are agreed between them or, in default of agreement, as appear to him appropriate.

Home Office
25th July 1991

Kenneth Baker
One of Her Majesty's Principal Secretaries of
State

EXPLANATORY NOTE

(This note is not part of the Order)

Section 1(3) of the Dangerous Dogs Act 1991 (the Act) provides that possession or custody of dogs to which section 1 of the Act applies will be prohibited after a day to be appointed. By virtue of the Dangerous Dogs Act 1991 (Commencement and Appointed Day) Order 1991 (S.I.1991/1742), that day is 30th November 1991.

Part II of the Order sets out the compensation scheme for the purposes of section 1(3) of the Act. Provided the Agency appointed by the Secretary of State for the purposes of the Order (the Agency) are satisfied that the applicant was the owner of a dog to which section 1 applies which was notified to the police before 12th October 1991 and destroyed before 30th November 1991, the Secretary of State will make payments of £25 in the case of a pit bull terrier; £100 in the case of a Japanese Tosa or any other dog of a type designated in an Order under section 1(1)(c) of the Act. In addition, £25 is payable in respect of the costs of destruction of any such dog.

Part III of the Order sets out the exemption scheme for the purposes of section 1(5) of the Act. This part sets out the conditions which must be satisfied by 30th November 1991 in respect of any dog to be exempted from the prohibition on possession or custody of dogs to which section 1 applies. The conditions include notification to the police by 12th October 1991 in the case of an adult dog and by 30th November 1991 in the case of a dog which is less than 6 months old on that date; neutering and permanent identification; third party insurance; payment of a fee of £12.50 and value added tax thereon; the obtaining of a certificate of exemption from the Agency; and compliance with any requirements of the certificate. In the case of a dog which is less than 6 months old on 30th November 1991, the conditions (apart from notification to the police) may be complied with after that date provided they are complied with within one month of the dog's attaining the age of 6 months. The certificate of exemption will include requirements to notify the Agency of any change of address of the dog for 30 days or more and of its death or export; to produce the certificate of exemption and display the dog's permanent identification on request by an authorised person; to satisfy the Agency that the dog is currently insured; and to keep the dog in sufficiently secure conditions to prevent its escape. The Agency may impose other ancillary requirements.