



**BARROW BOROUGH COUNCIL
ENVIRONMENTAL HEALTH – DOG WARDEN**

ADVICE PROTOCOL

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May 2010



BARROW BOROUGH COUNCIL

ENVIRONMENTAL HEALTH – DOG WARDEN

Section 1:

❖ **Commitment to Animal Welfare**

- The Council commits to observing and meeting its duties and responsibilities set out in the Animal Welfare Act 2006 and in particular, to recognising and promoting the 5 needs in relation to animal welfare, as follows;
 - Need for a suitable environment;
 - Need for a suitable diet;
 - Need to exhibit normal behaviour;
 - Any need it has to be housed with, or apart from, other animals; and
 - Need to be protected from pain, suffering, injury and disease

The Council commits to giving due consideration and to promote the 5 identified animal welfare needs in relation to carrying out its duties and responsibilities. The Council will undertake appropriate interventions and enforcement concerning animal welfare matters and in particular in relation to the Dog Warden Service and its Animal Welfare licensing functions.

❖ **Provision of Basic Dog Warden Training**

- The Council seeks to employ a suitable person as a Dog Warden who is familiar and comfortable with, (and if possible proficient) with handling dogs.
- Induction training is given to all personnel under the Corporate new starter arrangements which explain and emphasize the general principles of the Health & Safety at Work Act provisions and the responsibilities of the employer and employees. In particular;
 - Need to consider and work safely and not to take risks – risk assessment – not to be reluctant to ask for assistance if consider risk
 - Using council vehicle and routine vehicle checks
 - Non-use of mobile phone when travelling
 - Use of PPE
 - Lone working – use of diary, Out of Hours
 - Biological hazards – personal cleanliness, handling dogs, emptying dog waste bins

- Manual handling - Safe lifting of weights
- Working at height - safe use of ladders
- Additional specific training is provided by the following;
 - Familiarisation of legal duties of Dog Warden, clarify other agency responsibilities – Street Cleansing, Police/PCO's, RSPCA, Vet Service
 - Explanation of authorisation and associated powers
 - Environmental Protection Act – stray dogs, fouling provisions
 - Clean Neighbourhood & Environment Act – dog fouling & litter
 - Animal Welfare Act – Section 9: general responsibilities & requirements – policy awareness of dealing with dogs who are injured/unwell
 - RIPA – covert surveillance
 - PACE – Criminal Evidence and interview under caution
 - Recognition of Dangerous/Prohibited breeds
 - Scanning of uplifted dogs and road kills
 - On the Job training by experienced & trained dog warden
 - Enhanced guidance and supervision by team leader
 - Attendance of relevant courses ie
 - 'Dog Behaviour & Welfare' courses – Myerscough College

Section 2

❖ Procedure for the handling of hurt or sick dogs

- Any dogs found which appear to be hurt or in very poor condition to be taken immediately to the nearest veterinary practice for evaluation and treatment.
- Any dog reported and found to be living in poor conditions or appear to being mistreated shall be reported immediately to the local branch of the RSPCA Tel: 01229 824583 or 0300 1234999 National Number, and the Dog Warden to offer assistance on site if required.
- Any stray dogs which are taken into Barrow Borough Kennels and deteriorate or develop clinical symptoms shall be referred immediately for veterinary attention.

REMEMBER : - WHEN HANDLING A DOG 'DO NOT PUT YOURSELF AT RISK'

In any first aid situation, veterinary assistance is essential as soon as possible.

❖ **BODY LANGUAGE**

It may seem a strange subject BUT knowing what kind of mood the dog is displaying will again determine how it should be handled for your safety, the public and the dog's welfare too. Treat every dog on its own merit and as an individual.

❖ Remember the dog may be frightened or in pain and may lash out and bite

❖ **RECOGNITION OF ILLNESS**

The first signs of any illness is a change of character. This is hard for us to determine as we do not know the dogs character so physical signs must be observed.

E.g.

Lameness

Obvious injury

Poor coat quality

Red, thickened, sore looking skin.

Anorexia

Pale mucus membranes

Lethargy

Signs of blood

All illnesses also start with the same symptoms, vomiting, anorexia, diarrhoea and lethargy.

❖ If you feel the dog is not well or you are unsure seek veterinary assistance.

❖ **You may come across a situation that requires first aid to be given to a dog – IN ANY OF THESE CIRCUMSTANCES CONTACT GROVE VETS FOR ADVICE.**

Bleeding – Control the bleeding by applying constant pressure to the wound. Easier said than done with a dog as they usual want to bite at this point.

Bone, Joint and Tendon Injury

If a limb appears to be injured move it as little as possible to prevent further injury and pain.

If a bone is exposed, cover it with a light dressing.

DO NOT use a splint. Allow the dog to assume a comfortable position.

Exposure to Extreme Temperatures

Hypothermia – Cold

If the dog is wet, dry the dog and wrap it up.

Hyperthermia – Hot or heatstroke

Cool the dog down as quickly as possible by means of a cold wet towel.

In both cases the dog will most likely go into shock therefore quick action is required.

Eye injury

Cover the eye with a clean dressing and take directly to a vet.

In the case of short nosed dogs (brachycephalic) an eye can quite easily fall out of the socket. You should NOT try and replace it yourself. Instead, the eye should be kept moist and cold and veterinary assistance sought straight away.

TICKS

They should only be removed if you are competent at doing so. If the removal is not done correctly the head of the tick will be left behind which may develop into abscesses.

Ticks can also transmit diseases, such as Lyme disease

DROWNING

Dogs drown because they become exhausted when swimming. If you have to pull a dog out of water, first clear any debris from its mouth and nose.

If possible, lift up the dog by its hind legs to drain water from its lungs. If the dog is too big or heavy, lay the dog on the ground so its head is lower than its chest.

IDENTIFICATION OF DISEASE:

INFECTION CONTROL : CLEANLINESS OF ALL EQUIPMENT

Equipment includes any restraints, your van, your clothing and footwear. All of these are key factors in cross-contamination. e.g. if unknowingly you transport a dog carrying Parvo Virus and did not disinfect all the above equipment, you will be responsible for passing the disease onto the next dog. Remember we do not know if these strays are vaccinated so extreme measures should be taken to prevent this as far as possible from happening.

❖ Canine Distemper (Hardpad)

Life threatening Virus

Symptoms – high temperature, anorexia, lethargy, runny nose and often after a few weeks of nervousness the dog may develop fits. The nose and pads thicken (hence the name hardpad)

❖ Infectious Hepatitis

Mainly affecting puppies but can affect dogs of all ages.

Symptoms – anorexia, depression, high temperature, abdominal pain jaundice and profuse diarrhoea.

❖ Parvo Virus (MOST COMMON)

Affects dogs of all ages. Transferred from animal to animal and human to animal.

Symptoms – vomiting, depression, anorexia, lethargy, profuse diarrhoea. As the disease progresses there will be a distinct smell. The mortality rate is very high and can only be treated symptomatically.

❖ Coronavirus

Common

Causes digestive problems and also increase severity of other illnesses.

❖ Leptospirosis (Weils Disease)
2 forms

1 – The dog becomes ill through rat-contaminated water. This will form attacks the liver and kidneys and IS transmittable to humans.

2 – This form is contracted through the urine of other infected dogs. This damages the kidneys and may only be apparent as the dog becomes older.

❖ Parainfluenza

This is one of the 2 kinds of Canine Upper Respiratory Disease (CURD)
Also known as Kennel Cough

All the above are preventable through vaccinations

❖ **WORMS**

There are many types of worms or internal parasites and nearly all dogs have them. They cause illness and sometimes can be fatal.

Some worms can also cause illnesses in humans, Toxocara (round worms) and Ecchinococcus.

Worm eggs are shed on the dog's faeces but even when the faeces are removed eggs can be left behind and can survive for a long time.

E.g. Young children playing on a field will pick the worm eggs up on their hands, because they are sticky and invisible to the naked eye. They do not wash their hands and so the eggs are ingested and migrate through the body. In the most severe case of infection will lead to cysts in the eye causes blindness.

With this being such a real risk to yourself, you must wash your hands after handling every dog.

❖ **FLEAS**

Fleas are and ecto-parasite living on the outside of the animal. They take frequent blood meals from the dog. They can cause irritation, self-mutilation, infections, weight loss and anaemia. They are also responsible for the spread of disease.

Fleas also form part of the tapeworm's life cycle.

Any dog found should be checked for fleas and treated according to the degree of infestation. Your equipment should be sprayed.

❖ **KNOWLEDEGE OF COMMON BREEDS**

A basic knowledge of common breeds and their traits is essential to determine any unusual behaviour and how to handle them.

SECTION 3

'Prohibited' Dangerous Dogs - see Dangerous Dogs Legislation Section 5



American Pit Bull Terrier



Brazilian Fila



Dogo Argentino



Japanese Tosa

Section 4

❖ PROCEDURE FOR SCANNING STRAY DOGS AND ROAD TRAFFIC ACCIDENTS

- The Council's dog warden scanner will be maintained in a fully serviceable condition at all times, shall be fit for purpose and be kept in its carrying pouch at the Borough Kennels;
- As part of the stray dog 'uplifting' procedure, at the time of impounding, every dog shall be scanned thoroughly by the dog warden with the 'identification chip' scanner. Any dog so identified shall be notified in writing to the dogs owner.
- Every dog taken into the Stray Dog Kennels will be scanned again by the kennel operator
- Every dog and cat collected as a road kill will be returned to Barrow Borough Kennels, details notified to the office FAO the Dog Warden and be scanned by the dog warden before disposal.

Section 5

❖ PROCEDURE FOR REHOMING STRAY DOGS

- The Council has a proven track record for re-homing of stray dogs and only where dogs are found to be suffering from severe behavioural problems or ill-health which are likely to result in them being unsuitable for permanent re-homing, will stray dogs considered for euthanasia;
- All stray dogs are examined carefully upon delivery to the kennels and are given an individual health check by the kennels veterinary surgeon who visits the Borough kennels once each week.
- The Council will endeavour to re-home all unclaimed stray dogs through Animal Refuge
- All dogs will be assessed both behaviourally and physically during the time in kennels. Any dogs considered to be unsuitable for re-homing, will be discussed with the authority and be referred to the kennels veterinary surgeon for a second opinion, and if all concur, for humane euthanasia.
- All stray dog owners, when re-claiming dogs will be given a Barrow Borough Council '*Responsible Dog Ownership*' leaflet, have their legal responsibilities explained with regard to permitting their dog to roam and the requirement for the dog to wear a collar and ID disc when in public. Each dog will only be released with a suitable ID tag.
- All prospective dog owners will be thoroughly vetted as to suitability for ownership. They will be interviewed and required to complete an adoption application form stating their personal and work circumstances to match home environment criteria to a suitable breed of dog. This is carried out by Animal Refuge or RSPCA.

Section 6

Permanent Identification of Dogs

- As a dog owner, **you are required to ensure that your dog wears a collar and identification tag when it is taken off your premises and is in public eg taken on a walk in a public area**, even if you are in attendance. Failure to comply is a relatively serious offence. We will ask dog owners to comply on the first time this is found. However, if the dog is impounded or you are approached a second time and are found not to comply then the matter may be pursued accordingly.
- The Council strongly supports the permanent identification of dogs and cats, and in particular prefers and promotes use of micro-chipping to provide a permanent form of identification for a pet. Periodically we invite and assist charities to offer a micro-chipping service to local pet owners. We have in the past, invited and assisted the RSPCA to provide micro-chipping at cost.
- **Micro-chipping is believed to be the best method** as it causes least distress to the animal, although tattooing is a recognised alternative. Through a range of charities it is **available for approximately £ 10 and only has to be done once.**
- Any stray dogs which are re-homed are offered micro-chipping by Grove Vets. This is part of the adoption agreement.
- Alternatively veterinary surgeries will offer a similar service but will normally charge at a higher rate.

Section 7

Procedure on scanning reported strays

- The Council will scan all reported strays in order to return them to their rightful owners.

Section 8

Neutering:

- Neutering of dogs is recommended to prevent unwanted litters of puppies and prevent health issues later in life. It is a relatively straightforward operation but unfortunately is expensive. Neutering can be expected to cost in the region of £80 (small dog) to £200 (large bitch), more if complications . Recommend undertaken at 6 - 7 months of age before unwanted behaviour becomes instilled in a more adult dog. PDSA members may be able to get their neutered at a lower cost with vets offering PDSA membership.

Dogs that are re-homed, should be neutered at Grove Vets, as part of the adoption agreement.

Section 9 Looking to re-home a rescue dog ?

- There are many organisations who help rescue dogs who are mistreated or are unwanted. There are the well known ones eg RSPCA who rescue in the order of 70,000 animals a year and the PDSA and Dogs Trust.
- Alternatively, considerable and very valuable assistance is also provided by specific breed rescue organisations. if you know what breed you would prefer try searching on the internet using a specific breed rescue enquiry.
- **The Kennel Club also maintains a 'Rescue Booklet' of registered rescue organisations** and may be contacted for advice. See their website www.the-kennel-club.org.uk
- **Barrow Borough Council works alongside local charity, Animal Refuge, providing a re-homing service. For further information on adoption, contact borough Kennels on 01229 474450 or Animal Refuge Tel 01229 832500.**

Section 10

Dog Training

- **Dogs will benefit greatly from attending suitable training classes.** The Kennel Club Good Citizen Dog Scheme is the largest dog training programme in the UK. Its aim is to promote responsible dog ownership by teaching dog owners practical dog training skills, which are used in everyday life situations. The scheme also helps to enhance a dog owners relationship with their dog and to make the community aware of the benefits of dog ownership.
- Modern busy lifestyles and communal living can create many stresses connected to owning a dog, from socialising a young puppy to teaching the many skills needed to cope with daily life situations. The scheme incorporates a comprehensive and informative learning programme which encompasses general and more involved requirements of dog ownership. These include feeding, hygiene, grooming, general healthcare, socialisation and taking your dog for a walk.

All dogs are eligible for Good Citizen Training, whether they are young or old, pedigree or crossbreed. Puppy training can commence from as young as 12 weeks old. The scheme incorporates 4 award levels to work through and achieve;

- Puppy Foundation
- Bronze
- Silver' and
- Gold

Each is a natural progression and aims to build understanding and knowledge for both dog and owner. The scheme is straightforward and non-competitive.

There are many dog training organisations who that participate in the scheme who offer weekly training session and /or 6-12 week courses in the daytime and evenings. These include Kennel Club Registered and listed Dog Training Clubs.

For more information the Kennel Club may be contacted by;

- website: www.the-kennel-club.org.uk
- email: gcds@the-kennel-club.org.uk
- Tel: 020 7518 1011, or write to: The Kennel Club, 1-5 Clarges Street, London W1J 8AB

There are also local dog training group that advertise in local papers and veterinary surgeries.

Section 11

Summary of main legal provisions

❖ Familiarisation with Dogs Fouling Legislation

- Awareness of Dog (Fouling of Land) Act Order, Register of designated land
- Clean Neighbourhoods & Environment Act – Provisions not adopted in borough

❖ Environmental Protection Act 1990

88 Fixed penalty notices for leaving litter

(1) Where *on any occasion*—

[(a)] an authorised officer of a litter authority *finds a person who he has reason to believe has on that occasion* [that a person has] committed an offence under section 87 above in the area of that authority[; or

(b) a constable has reason to believe that a person has committed an offence under that section,]

he may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.

[(1A) Where a constable gives a notice under this section to a person, he shall, no later than 24 hours after the giving of the notice, send a copy of it to the litter authority in whose area the offence was committed.]

(2) Where a person is given a notice under this section in respect of an offence—

(a) no proceedings shall be instituted for that offence before the expiration of fourteen days following the date of the notice; and

(b) he shall not be convicted of that offence if he pays the fixed penalty before the expiration of that period.

(3) A notice under this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state—

(a) the period during which, by virtue of subsection (2) above, proceedings will not be taken for the offence;

(b) the amount of the fixed penalty; and

(c) the person to whom and the address at which the fixed penalty may be paid;

and, without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).

(4) Where a letter is sent in accordance with subsection (3) above payment shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(5) The form of notices under this section shall be such as the Secretary of State may by order prescribe.

[(5A) A fixed penalty payable in pursuance of a notice under this section shall be payable to the litter authority in whose area the offence was committed.]

(6) *The fixed penalty payable to a litter authority in pursuance of a notice under this section shall, subject to subsection (7) below, be [£50] [or, in Wales, £75]; and as respects the sums received by [a litter] authority, those sums—*

(a) . . .

(b) *if received by an authority in Scotland, shall [accrue to the litter authority].*

(7) *The Secretary of State may by order substitute a different amount [(not exceeding level 2 on the standard scale)] for the amount for the time being specified as the amount [(not exceeding level 2 on the standard scale)] of the fixed penalty in subsection (6) above.*

[(6) The fixed penalty payable in pursuance of a notice under this section is payable to the litter authority whose authorised officer gave the notice.

(6A) The amount of a fixed penalty payable in pursuance of a notice under this section—

(a) is the amount specified by a principal litter authority in relation to its area (whether the penalty is payable to that or another authority), or

(b) if no amount is so specified, is £75.

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 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 . . . , means a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly [in relation to Wales, means a county council or a county borough council] and, in relation to Scotland, means [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 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.

Environmental Protection (Stray Dogs) Regulations 1992, SI 1992/288 (made under sub-ss (5), (8), (11)).

150 Delivery of stray dogs to 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;

and shall inform the officer of the local authority *or the police officer in charge of the police station, as the case may be*, 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 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.

(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.

❖ **CLEAN NIGHBOURHOODS & ENVIRONMENT ACT**
Chapter 2 Stray Dogs

68 Termination of police responsibility for stray dogs

- (1) Section 3 of the Dogs Act 1906 (c 32) (seizure of stray dogs by police) shall, subject to subsection (2), cease to have effect.
- (2) The repeal in subsection (1) does not apply for the purposes of section 2(2) and (3) of the Dogs (Protection of Livestock) Act 1953 (c 28).
- (3) In section 150 of the Environmental Protection Act 1990 (c 43) (delivery of stray dogs to police or local authority officer), in subsection (1)—
 - (a) in paragraph (b), omit sub-paragraph (ii) and the preceding “or”;
 - (b) omit the words from “or the police officer” to “as the case may be,”.
- (4) In the heading to that section, omit “police or”.

Commencement from 6-04-2008

151 Enforcement of orders about collars and tags for dogs

❖ **Control of Dogs Order 1992**

Made - - - 19th March 1992

The Minister of Agriculture, Fisheries and Food, in relation to England, the Secretary of State for Scotland in relation to Scotland, and the Secretary of State for Wales in relation to Wales, in exercise of the powers conferred on them by sections 13(2) and (3) and 72 of the Animal Health Act 1981 and of all other powers enabling them in that behalf, hereby make the following Order

1 Title and commencement

This Order may be cited as the Control of Dogs Order 1992 and shall come into force on 1st April 1992.

NOTES

Initial Commencement

Specified date: 1 April 1992: see above.

2 Wearing of collars by dogs

- (1) Subject to paragraph (2) below, every dog while in a highway or in a place of public resort shall wear a collar with the name and address of the owner inscribed on the collar or on a plate or badge attached to it.
- (2) Paragraph (1) above shall not apply to—
 - (a) any pack of hounds,
 - (b) any dog while being used for sporting purposes,

- (c) any dog while being used for the capture or destruction of vermin,
- (d) any dog while being used for the driving or tending of cattle or sheep,
- (e) any dog while being used on official duties by a member of Her Majesty's Armed Forces or Her Majesty's Customs and Excise or the police force for any area,
- (f) any dog while being used in emergency rescue work, or
- (g) any dog registered with the Guide Dogs for the Blind Association.

NOTES

Specified date: 1 April 1992: see art 1.

3 Offences

The owner of a dog or the person in charge of a dog who, without lawful authority or excuse, proof of which shall lie on him, causes or permits the dog to be in a highway or in a place of public resort not wearing a collar as prescribed in article 2(1) above shall be guilty of an offence against the Animal Health Act 1981.

NOTES

Specified date: 1 April 1992: see art 1.

4 Seizure of dogs

Any dog in respect of which an offence is being committed against this Order may be seized and treated as a stray dog under section 3 of the Dogs Act 1906 or under section 149 of the Environmental Protection Act 1990.

NOTES

1 April 1992: see art 1.

5 Enforcement

(1) This Order shall be executed and enforced by the officers of a local authority (and not by the police force for any area).

(2) In this article "local authority" and "officer" have the same meaning as in section 149 of the Environmental Protection Act 1990.

NOTES

1 April 1992: see art 1.

❖ Dangerous Dogs Act 1991

1991 CHAPTER 65

An Act to prohibit persons from having in their possession or custody dogs belonging to types bred for fighting; to impose restrictions in respect of such dogs pending the coming into force of the prohibition; to enable restrictions to be imposed in relation to other types of dog which present a serious danger to the public; to make further provision for securing that dogs are kept under proper control; and for connected purposes

[25th July 1991]

Section 1 :Dogs bred for fighting

- (1) This section applies to—
- (a) any dog of the type known as the pit bull terrier;
 - (b) any dog of the type known as the Japanese tosa; and
 - (c) any dog of any type designated for the purposes of this section by an order of the Secretary of State, being a type appearing to him to be bred for fighting or to have the characteristics of a type bred for that purpose.
- (2) No person shall—
- (a) breed, or breed from, a dog to which this section applies;
 - (b) sell or exchange such a dog or offer, advertise or expose such a dog for sale or exchange;
 - (c) make or offer to make a gift of such a dog or advertise or expose such a dog as a gift;
 - (d) allow such a dog of which he is the owner or of which he is for the time being in charge to be in a public place without being muzzled and kept on a lead; or
 - (e) abandon such a dog of which he is the owner or, being the owner or for the time being in charge of such a dog, allow it to stray.
- (3) After such day as the Secretary of State may by order appoint for the purposes of this subsection no person shall have any dog to which this section applies in his possession or custody except—
- (a) in pursuance of the power of seizure conferred by the subsequent provisions of this Act; or
 - (b) in accordance with an order for its destruction made under those provisions;

but the Secretary of State shall by order make a scheme for the payment to the owners of such dogs who arrange for them to be destroyed before that day of sums specified in or determined under the scheme in respect of those dogs and the cost of their destruction.

- (4) Subsection (2)(b) and (c) above shall not make unlawful anything done with a view to the dog in question being removed from the United Kingdom before the day appointed under subsection (3) above.

(5) The Secretary of State may by order provide that the prohibition in subsection (3) above shall not apply in such cases and subject to compliance with such conditions as are specified in the order and any such provision may take the form of a scheme of exemption containing such arrangements (including provision for the payment of charges or fees) as he thinks appropriate.

(6) A scheme under subsection (3) or (5) above may provide for specified functions under the scheme to be discharged by such persons or bodies as the Secretary of State thinks appropriate.

(7) Any person who contravenes this section is guilty of an offence and 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 except that a person who publishes an advertisement in contravention of subsection (2)(b) or (c)—

(a) shall not on being convicted be liable to imprisonment if he shows that he published the advertisement to the order of someone else and did not himself devise it; and

(b) shall not be convicted if, in addition, he shows that he did not know and had no reasonable cause to suspect that it related to a dog to which this section applies.

(8) An order under subsection (1)(c) above adding dogs of any type to those to which this section applies may provide that subsections (3) and (4) above shall apply in relation to those dogs with the substitution for the day appointed under subsection (3) of a later day specified in the order.

(9) The power to make orders under this section shall be exercisable by statutory instrument which, in the case of an order under subsection (1) or (5) or an order containing a scheme under subsection (3), shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Dangerous Dogs (Designated Types) Order 1991

Made - - - 25th July 1991

In exercise of the powers conferred upon me by section 1(1)(c) of the Dangerous Dogs Act 1991, I hereby make the following Order

1

This Order may be cited as the Dangerous Dogs (Designated Types) Order 1991 and shall come into force on 12th August 1991.

NOTES

Initial Commencement

Specified date

Specified date: 12 August 1991: see above.

2

There are hereby designated for the purposes of section 1 of the Dangerous Dogs Act 1991 dogs of the following types, being types appearing to be bred for fighting or to have the characteristics of types bred for that purpose, namely:

- (a) any dog of the type known as the Dogo Argentino; and
- (b) any dog of the type known as the Fila Brasileiro.

Section 3: Keeping dogs under proper control

(1) If a dog is dangerously out of control in 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.

(3) If the owner or, if different, the person for the time being in charge of a dog allows it to enter a place which is not a public place but where it is not permitted to be and while it is there—

- (a) it injures any person; or
- (b) there are grounds for reasonable apprehension that it will do so,

he is guilty of an offence, or, if the dog injures any person, an aggravated offence, under this subsection.

(4) A person guilty of an offence under subsection (1) or (3) 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 either of those subsections 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.

(5) It is hereby declared for the avoidance of doubt that an order under section 2 of the 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 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.

5 Seizure, entry of premises and evidence

- (1) A constable or an officer of a local authority authorised by it to exercise the powers conferred by this subsection may seize—
- (a) any dog which appears to him to be a dog to which section 1 above applies and which is in a public place—
 - (i) after the time when possession or custody of it has become unlawful by virtue of that section; or
 - (ii) before that time, without being muzzled and kept on a lead;
 - (b) any dog in a public place which appears to him to be a dog to which an order under section 2 above applies and in respect of which an offence against the order has been or is being committed; and
 - (c) any dog in a public place (whether or not one to which that section or such an order applies) which appears to him to be dangerously out of control.
- (2) If a justice of the peace is satisfied by information on oath, or in Scotland a justice of the peace or sheriff is satisfied by evidence on oath, that there are reasonable grounds for believing—
- (a) that an offence under any provision of this Act or of an order under section 2 above is being or has been committed; or
 - (b) that evidence of the commission of any such offence is to be found,
- on any premises he may issue a warrant authorising a constable to enter The scanner will be maintained in a serviceable condition at all times and shall be fit for purpose

those premises (using such force as is reasonably necessary) and to search them and seize any dog or other thing found there which is evidence of the commission of such an offence.

- (3) A warrant issued under this section in Scotland shall be authority for opening lockfast places and may authorise persons named in the warrant to accompany a constable who is executing it.

(4) . . .

- (5) If in any proceedings it is alleged by the prosecution that a dog is one to which section 1 or an order under section 2 above applies it shall be presumed that it is such a dog unless the contrary is shown by the accused by such evidence as the court considers sufficient; and the accused shall not be permitted to adduce such evidence unless he has given the prosecution notice of his intention to do so

not later than the fourteenth day before that on which the evidence is to be adduced.

7 Muzzling and leads

(1) In this Act—

(a) references to a dog being muzzled are to its being securely fitted with a muzzle sufficient to prevent it biting any person; and

(b) references to its being kept on a lead are to its being securely held on a lead by a person who is not less than sixteen years old.

(2) If the Secretary of State thinks it desirable to do so he may by order prescribe the kind of muzzle or lead to be used for the purpose of complying, in the case of a dog of any type, with section 1 or an order under section 2 above; and if a muzzle or lead of a particular kind is for the time being prescribed in relation to any type of dog the references in subsection (1) above to a muzzle or lead shall, in relation to any dog of that type, be construed as references to a muzzle or lead of that kind.

❖ Animal Welfare Act 2006

1 Animals to which the Act applies

(1) In this Act, except subsections (4) and (5), “animal” means a vertebrate other than man.

(2) Nothing in this Act applies to an animal while it is in its foetal or embryonic form.

(3) The appropriate national authority may by regulations for all or any of the purposes of this Act—

(a) extend the definition of “animal” so as to include invertebrates of any description;

(b) make provision in lieu of subsection (2) as respects any invertebrates included in the definition of “animal”;

(c) amend subsection (2) to extend the application of this Act to an animal from such earlier stage of its development as may be specified in the regulations.

(4) The power under subsection (3)(a) or (c) may only be exercised if the appropriate national authority is satisfied, on the basis of scientific evidence, that animals of the kind concerned are capable of experiencing pain or suffering.

(5) In this section, “vertebrate” means any animal of the Sub-phylum Vertebrata of the Phylum Chordata and “invertebrate” means any animal not of that Sub-phylum.

3 Responsibility for animals

- (1) In this Act, references to a person responsible for an animal are to a person responsible for an animal whether on a permanent or temporary basis.
- (2) In this Act, references to being responsible for an animal include being in charge of it.
- (3) For the purposes of this Act, a person who owns an animal shall always be regarded as being a person who is responsible for it.
- (4) For the purposes of this Act, a person shall be treated as responsible for any animal for which a person under the age of 16 years of whom he has actual care and control is responsible.

4 Unnecessary suffering

- (1) A person commits an offence if—
 - (a) an act of his, or a failure of his to act, causes an animal to suffer,
 - (b) he knew, or ought reasonably to have known, that the act, or failure to act, would have that effect or be likely to do so,
 - (c) the animal is a protected animal, and
 - (d) the suffering is unnecessary.
- (2) A person commits an offence if—
 - (a) he is responsible for an animal,
 - (b) an act, or failure to act, of another person causes the animal to suffer,
 - (c) he permitted that to happen or failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening, and
 - (d) the suffering is unnecessary.
- (3) The considerations to which it is relevant to have regard when determining for the purposes of this section whether suffering is unnecessary include—
 - (a) whether the suffering could reasonably have been avoided or reduced;
 - (b) whether the conduct which caused the suffering was in compliance with any relevant enactment or any relevant provisions of a licence or code of practice issued under an enactment;
 - (c) whether the conduct which caused the suffering was for a legitimate purpose, such as—
 - (i) the purpose of benefiting the animal, or

- (ii) the purpose of protecting a person, property or another animal;
 - (d) whether the suffering was proportionate to the purpose of the conduct concerned;
 - (e) whether the conduct concerned was in all the circumstances that of a reasonably competent and humane person.
- (4) Nothing in this section applies to the destruction of an animal in an appropriate and humane manner.

9 Duty of person responsible for animal to ensure welfare

- (1) A person commits an offence if he does not take such steps as are reasonable in all the circumstances to ensure that the needs of an animal for which he is responsible are met to the extent required by good practice.
- (2) For the purposes of this Act, an animal's needs shall be taken to include—
- (a) its need for a suitable environment,
 - (b) its need for a suitable diet,
 - (c) its need to be able to exhibit normal behaviour patterns,
 - (d) any need it has to be housed with, or apart from, other animals, and
 - (e) its need to be protected from pain, suffering, injury and disease.
- (3) The circumstances to which it is relevant to have regard when applying subsection (1) include, in particular—
- (a) any lawful purpose for which the animal is kept, and
 - (b) any lawful activity undertaken in relation to the animal.
- (4) Nothing in this section applies to the destruction of an animal in an appropriate and humane manner.

19 Power of entry for section 18 purposes

- (1) An inspector or a constable may enter premises for the purpose of searching for a protected animal and of exercising any power under section 18 in relation to it if he reasonably believes—
- (a) that there is a protected animal on the premises, and
 - (b) that the animal is suffering or, if the circumstances of the animal do not change, it is likely to suffer.
- (2) Subsection (1) does not authorise entry to any part of premises which is used as a private dwelling.

(3) An inspector or a constable may (if necessary) use reasonable force in exercising the power conferred by subsection (1), but only if it appears to him that entry is required before a warrant under subsection (4) can be obtained and executed.

(4) Subject to subsection (5), a justice of the peace may, on the application of an inspector or constable, issue a warrant authorising an inspector or a constable to enter premises for the purpose mentioned in subsection (1), if necessary using reasonable force.

(5) The power to issue a warrant under subsection (4) is exercisable only if the justice of the peace is satisfied—

(a) that there are reasonable grounds for believing that there is a protected animal on the premises and that the animal is suffering or is likely to suffer if its circumstances do not change, and

(b) that section 52 is satisfied in relation to the premises.

Section 12

OUT OF HOURS STRAY DOG PROTOCOL

Dog Warden

The Council is operates a 24/7 'Out of Hours' stray dog acceptance service.

If a member of the public has a stray dog in his/her possession out of office hours, they will be advised to ring 01229 833311. This number is for the Control Centre at Carlisle.

The Control Centre staff will take the following details from the member of the public:-

Name

Address

Telephone Number

Kennel staff then receives the call from the Control Centre with the member of public's details.

Kennel staff should then call the member of public back, to arrange to hand over of the dog. Let them know what time you will meet them at the Kennels, and give directions, if necessary.

The member of public MUST take the dog to the kennel themselves – we do not collect the dog from them.

NOTE: The Police should follow exactly the same system as a member of the public – they should ring the Control Centre and arrange to meet you at the Kennels.

Stray Dogs

From the 6th April 2008, the Police relinquish responsibility with regard to stray dogs. The responsibilities of Cumbria Constabulary will be reduced and they will only be required to deal with the following:

Lost and stolen dogs (lost dogs to be recorded as lost property).
Dangerous dogs and dogs found to be worrying livestock
Dogs involved with road traffic accidents.
Dogs relating to persons being detained.
Dogs left by the death of their owner.
Dogs involved with the scene of a crime.

Local Authorities are not required to offer a night-time call-out service to seize and detain stray dogs seen or found by the public.

You are particularly asked to be aware of people trying to present their own dogs for 're-homing' as stray dogs and ask appropriate questions.

Impounded dogs will only be reclaimable from the Barrow Borough kennels by between 9am - 5pm weekdays and 9am -11am (weekends and bank holidays).
All payments to be made to the kennels before the dog is released.

Emergency Situation

The Police may request the Dog Wardens assistance to deal with a 'dangerous' dog. In an extreme emergency, arrangements will be made for the collection of a stray dog if 'dangerous' or poses a 'significant risk'. There are obvious significant related costs. Normally for this to be considered we would ask that the dog must be captured/restrained to enable collection.