



# Dangerous Dogs Act 1991

## 1991 CHAPTER 65

### 4 Destruction and disqualification orders. E+W

(1) Where a person is convicted of an offence under section 1 or 3(1) <sup>F1</sup>... above or of an offence under an order made under section 2 above the court—

- (a) may order the destruction of any dog in respect of which the offence was committed and <sup>F2</sup>, subject to subsection (1A) below, shall do so in the case of an offence under section 1 or an aggravated offence under section 3(1) <sup>F1</sup>... above; and
- (b) may order the offender to be disqualified, for such period as the court thinks fit, for having custody of a dog.

[<sup>F3</sup>(1A) Nothing in subsection (1)(a) above shall require the court to order the destruction of a dog if the court is satisfied—

- (a) that the dog would not constitute a danger to public safety; and
- (b) where the dog was born before 30th November 1991 and is subject to the prohibition in section 1(3) above, that there is a good reason why the dog has not been exempted from that prohibition.]

[<sup>F4</sup>(1B) For the purposes of subsection (1A)(a), when deciding whether a dog would constitute a danger to public safety, the court—

- (a) must consider—
  - (i) the temperament of the dog and its past behaviour, and
  - (ii) whether the owner of the dog, or the person for the time being in charge of it, is a fit and proper person to be in charge of the dog, and
- (b) may consider any other relevant circumstances.]

(2) Where a court makes an order under subsection (1)(a) above for the destruction of a dog owned by a person other than the offender, <sup>F5</sup>..., the owner may appeal to the Crown Court against the order.

(3) A dog shall not be destroyed pursuant to an order under subsection (1)(a) above—

- (a) until the end of the period for giving notice of appeal against the conviction or <sup>F6</sup>..., against the order; and

**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 4. (See end of Document for details)

(b) if notice of appeal is given within that period, until the appeal is determined or withdrawn,  
unless the offender and, in a case to which subsection (2) above applies, the owner of the dog give notice to the court that made the order that there is to be no appeal.

(4) Where a court makes an order under subsection (1)(a) above it may—

- (a) appoint a person to undertake the destruction of the dog and require any person having custody of it to deliver it up for that purpose; and
- (b) order the offender to pay such sum as the court may determine to be the reasonable expenses of destroying the dog and of keeping it pending its destruction.

(5) Any sum ordered to be paid under subsection (4)(b) above shall be treated for the purposes of enforcement as if it were a fine imposed on conviction.

(6) Any person who is disqualified for having custody of a dog by virtue of an order under subsection (1)(b) above may, at any time after the end of the period of one year beginning with the date of the order, apply to the court that made it (or a magistrates' court acting [F7 in the same local justice] area as that court) for a direction terminating the disqualification.

(7) On an application under subsection (6) above the court may—

- (a) having regard to the applicant's character, his conduct since the disqualification was imposed and any other circumstances of the case, grant or refuse the application; and
- (b) order the applicant to pay all or any part of the costs of the application;

and where an application in respect of an order is refused no further application in respect of that order shall be entertained if made before the end of the period of one year beginning with the date of the refusal.

(8) Any person who—

- (a) has custody of a dog in contravention of an order under subsection (1)(b) above; or
- (b) fails to comply with a requirement imposed on him under subsection (4)(a) above,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(9) In the application of this section to Scotland—

- (a) in subsection (2) for the words "Crown Court against the order" there shall be substituted the words "High Court of Justiciary against the order within the period of seven days beginning with the date of the order";
- (b) for subsection (3)(a) there shall be substituted—
  - "(a) until the end of the period of seven days beginning with the date of the order"
- (c) for subsection (5) there shall be substituted—
  - "(5) [F8 section 221 of the Criminal Procedure (Scotland) Act 1995] shall apply in relation to the recovery of sums ordered to be paid under subsection (4)(b) above as it applies to fines ordered to be recovered by civil diligence in pursuance of [F8 Part XI] of that Act.;"

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(d) in subsection (6) the words “(or a magistrates’ court acting [<sup>F9</sup>in the same local justice] area as that court)” shall be omitted.

#### Extent Information

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

#### Textual Amendments

**F1** Words in s. 4(1) omitted (E.W.) (13.5.2014) by virtue of [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), ss. 106\(3\), 185\(1\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 6

**F2** Words in s. 4(1)(a) inserted (8.6.1997) by [1997 c. 53, s. 1\(1\)](#) (with s. 5(1)); S.I. 1997/1151, art. 2

**F3** S. 4(1A) inserted (8.6.1997) by [1997 c. 53, s. 1\(2\)](#) (with s. 5(1)); S.I. 1997/1151, art. 2

**F4** S. 4(1B) inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), ss. 107\(3\), 185\(1\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 7

**F5** Words in s. 4(2) repealed (8.6.1997) by [1997 c. 53, s. 1\(3\)](#) (with s. 5(1)); S.I. 1997/1151, art. 2

**F6** Words in s. 4(2)(a) ceased to have effect (8.6.1997) by virtue of [1997 c. 53, s. 1\(4\)](#) (with s. 5(1)); S.I. 1997/1151, art. 2

**F7** Words in s. 4(6) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 353\(a\)](#); S.I. 2005/910, art. 3(y)

**F8** Words in s. 4(9)(c) substituted (1.4.1996) by [1995 c. 40, s. 5, Sch. 4 para. 81\(a\)\(b\)](#)

**F9** Words in s. 4(9)(d) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 353\(b\)](#); S.I. 2005/910, art. 3(y)

#### Commencement Information

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

## 4 Destruction and disqualification orders. S

(1) Where a person is convicted of an offence under section 1 or 3(1) <sup>F10</sup>... above or of an offence under an order made under section 2 above the court—

(a) may order the destruction of any dog in respect of which the offence was committed and [<sup>F11</sup>, subject to subsection (1A) below,] shall do so in the case of an offence under section 1 or an aggravated offence under section 3(1) <sup>F10</sup>... above; and

(b) may order the offender to be disqualified, for such period as the court thinks fit, for having custody of a dog.

[<sup>F12</sup>(1A) Nothing in subsection (1)(a) above shall require the court to order the destruction of a dog if the court is satisfied—

(a) that the dog would not constitute a danger to public safety; and

(b) where the dog was born before 30th November 1991 and is subject to the prohibition in section 1(3) above, that there is a good reason why the dog has not been exempted from that prohibition.]

[<sup>F13</sup>(1B) For the purposes of subsection (1A)(a), when deciding whether a dog would constitute a danger to public safety, the court—

(a) must consider—

(i) the temperament of the dog and its past behaviour, and

(ii) whether the owner of the dog, or the person for the time being in charge of it, is a fit and proper person to be in charge of the dog, and

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- (b) may consider any other relevant circumstances.]
- (2) Where a court makes an order under subsection (1)(a) above for the destruction of a dog owned by a person other than the offender,<sup>F14</sup>..., the owner may appeal to the Crown Court against the order.
- (3) A dog shall not be destroyed pursuant to an order under subsection (1)(a) above—
  - (a) until the end of the period for giving notice of appeal against the conviction or<sup>F15</sup>..., against the order; and
  - (b) if notice of appeal is given within that period, until the appeal is determined or withdrawn,
 unless the offender and, in a case to which subsection (2) above applies, the owner of the dog give notice to the court that made the order that there is to be no appeal.
- (4) Where a court makes an order under subsection (1)(a) above it may—
  - (a) appoint a person to undertake the destruction of the dog and require any person having custody of it to deliver it up for that purpose; and
  - (b) order the offender to pay such sum as the court may determine to be the reasonable expenses of destroying the dog and of keeping it pending its destruction.
- (5) Any sum ordered to be paid under subsection (4)(b) above shall be treated for the purposes of enforcement as if it were a fine imposed on conviction.
- (6) Any person who is disqualified for having custody of a dog by virtue of an order under subsection (1)(b) above may, at any time after the end of the period of one year beginning with the date of the order, apply to the court that made it (or a magistrates' court acting [<sup>F16</sup>in the same local justice] area as that court) for a direction terminating the disqualification.
- (7) On an application under subsection (6) above the court may—
  - (a) having regard to the applicant's character, his conduct since the disqualification was imposed and any other circumstances of the case, grant or refuse the application; and
  - (b) order the applicant to pay all or any part of the costs of the application;
 and where an application in respect of an order is refused no further application in respect of that order shall be entertained if made before the end of the period of one year beginning with the date of the refusal.
- (8) Any person who—
  - (a) has custody of a dog in contravention of an order under subsection (1)(b) above; or
  - (b) fails to comply with a requirement imposed on him under subsection (4)(a) above,
 is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (9) In the application of this section to Scotland—
  - (a) in subsection (2) for the words "Crown Court against the order" there shall be substituted the words "[<sup>F17</sup>appropriate Appeal Court] against the order within the period of seven days beginning with the date of the order";
  - [<sup>F18</sup>(aa) In paragraph (a), "appropriate Appeal Court" means—

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- (i) in the case of an appeal against an order made following summary conviction, the Sheriff Appeal Court; and
- (ii) in the case of an appeal against an order made following conviction on indictment, the High Court of Justiciary.]

(b) for subsection (3)(a) there shall be substituted—  
“(a) until the end of the period of seven days beginning with the date of the order”

(c) for subsection (5) there shall be substituted—  
“(5) [<sup>F19</sup>section 221 of the Criminal Procedure (Scotland) Act 1995] shall apply in relation to the recovery of sums ordered to be paid under subsection (4)(b) above as it applies to fines ordered to be recovered by civil diligence in pursuance of [<sup>F19</sup>Part XI] of that Act.”; and

(d) in subsection (6) the words “(or a magistrates’ court acting [<sup>F20</sup>in the same local justice] area as that court)” shall be omitted.

#### 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

**F10** Words in s. 4(1) repealed (S.) (26.2.2011) by [Control of Dogs \(Scotland\) Act 2010 \(asp 9\), s. 18\(2\), Sch. 1 para. 2\(3\)](#) (with s. 16)

**F11** Words in s. 4(1)(a) inserted (8.6.1997) by [1997 c. 53, s. 1\(1\)](#) (with s. 5(1)); S.I. 1997/1151, art. 2

**F12** S. 4(1A) inserted (8.6.1997) by [1997 c. 53, s. 1\(2\)](#) (with s. 5(1)); S.I. 1997/1151, art. 2

**F13** S. 4(1B) inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), ss. 107\(3\), 185\(1\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 7

**F14** Words in s. 4(2) repealed (8.6.1997) by [1997 c. 53, s. 1\(3\)](#) (with s. 5(1)); S.I. 1997/1151, art. 2

**F15** Words in s. 4(2)(a) ceased to have effect (8.6.1997) by virtue of [1997 c. 53, s. 1\(4\)](#) (with s. 5(1)); S.I. 1997/1151, art. 2

**F16** Words in s. 4(6) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 353\(a\); S.I. 2005/910, art. 3\(y\)](#)

**F17** Words in s. 4(9)(a) substituted (S.) (22.9.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions No. 2\) Order 2015 \(S.S.I. 2015/338\), art. 1, Sch. 2 para. 3\(2\)\(a\)](#) (with art. 4)

**F18** S. 4(9)(aa) inserted (S.) (22.9.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions No. 2\) Order 2015 \(S.S.I. 2015/338\), art. 1, Sch. 2 para. 3\(2\)\(b\)](#) (with art. 4)

**F19** Words in s. 4(9)(c) substituted (1.4.1996) by [1995 c. 40, s. 5, Sch. 4 para. 81\(a\)\(b\)](#)

**F20** Words in s. 4(9)(d) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 353\(b\); S.I. 2005/910, art. 3\(y\)](#)

#### Commencement Information

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

**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 4.