

# Responsible dog ownership

Know the law on dog ownership



## Find out more about

Stray Dogs

Dog Fouling

Dangerous Dogs

Dog Identification

# Current laws affecting dog ownership

At present the main laws affecting dog owners are:

- The Animal Welfare Act 2006
- The Clean Neighbourhoods and Environment Act 2005
- Environmental Protection Act 1990
- Control of Dogs Order 1992
- Dangerous Dogs Act 1991
- Dogs (Protection of Livestock) Act 1953
- Dogs Act 1871

## The Animal Welfare Act 2006

From April 2007 a change in animal welfare law means that it is not only against the law to be cruel to an animal, but that you also have a duty of care to ensure that all the welfare needs of your animals are met. This applies to any living vertebrate animal.

The Act says that an animals welfare needs include:

- a suitable environment in which to live (how it is housed)
- a suitable diet (what it eats and drinks)
- being able to behave normally
- any need it has to be housed with, or apart from, other animals (this is dependent on the species of animal)

- protection from pain, suffering, injury and disease.

The duty of care (the need to provide for an animal's welfare) applies to animals for which a person is responsible. A person is responsible if he or she is:

- the owner of the animal
- in charge of the animal eg, the owner of a boarding kennel
- a parent or guardian of a person under 16 who is responsible for the animal
- a person can be responsible for an animal on a temporary basis, for example, looking after a friend's animal whilst they are on holiday.

If a person is found to be committing an offence an Improvement Notice can be issued by RSPCA Inspectors or authorised officers of the Local Authority.

An Improvement Notice specifies where the person is failing in their duty of care and how they can rectify the situation. Failure to comply with an improvement notice can lead to criminal prosecution.

If you are found guilty under the Act you can be fined, sent to prison, have your animals removed and / or be disqualified from keeping animals in the future.

The Animal Welfare Act 2006 has increased penalties for the most serious offences. The maximum penalty is imprisonment for up to 51 weeks, or a fine of up to £20,000, or both.

# Dog fouling

You **must** clean up after your dog in a public place.

Dog Control Orders made under The Clean Neighbourhoods & Environment Act 2005 make it an offence not to clear up if your dog has fouled on land that is open to the air and to which the public are entitled to have access (with or without payment). This includes, but is not limited to, footpaths, pavements, beaches (throughout the year), parks, playgrounds, football pitches and roads.

The law states that being unaware of the fouling or not having suitable means for removing the faeces are not reasonable excuses. Statistics show that up to 30% of dog walkers will not remove their dogs faeces unless they think that they are being watched.

Roundworm (*Toxicara Canis*) eggs contained in dog faeces pose a risk to children if the faeces is not removed. The eggs can survive for up to two years on the ground and although the worm cannot complete its life cycle in a human host, ingested eggs can cause serious conditions, particularly in children. The eggs hatch in the gut and the larvae can migrate to various organs including the liver, eyes and brain. It is estimated that around 100 cases of infection in humans are diagnosed each year. Contagion has been linked to nausea, asthma, epilepsy and in rare cases vision problems.

Eggs in fresh faeces are not infective as they take about two weeks to develop and therefore pose no health risk to those cleaning up after their dog. Regular worming of your dog is the best prevention.

Cornwall has a significant issue with dog fouling and popular areas to exercise dogs are often heavily fouled. Cycle paths and disabled access routes are not spared which means the wheels of prams, bicycles and wheelchairs may be contaminated. Bagged dog waste must be disposed of in dog bins, general litter bins or taken home for disposal. Fixed Penalty Notices for littering will be issued to anyone disposing of bagged dog faeces inappropriately.

The Clean Neighbourhoods and Environment Act 2005 empowers Local Authorities to implement dog control orders after appropriate consultation. These orders can:

- Exclude dogs from certain areas
- Enforce 'dogs on lead' areas
- Increase fines for those that fail to remove their dogs faeces.
- Any dog owner should be aware that the majority of dogs initially foul within the first few minutes of exercise and should ensure the dog is in view at all times and that they have sufficient bags to remove the faeces.

Cornwall Council has a Dog Welfare and Enforcement Team who along with other Council Officers and Police

Community Support Officers are authorised to issue Fixed Penalty Notices to offenders. Daily patrols operate and Fixed Penalty Notices are regularly issued to those who allow their dog to foul a public place and fail to remove the dogs faeces.

At present the Fixed Penalty is £80.00 and if this remains unpaid a court may impose a maximum fine of £1,000.00.

Please take responsibility for your pet and consider the health and safety of others (including dog owners). People do not want to step in, smell or see piles of dog faeces when out on a walk or put their children at risk of infection.

If you have a problem with dog fouling, please contact the Dog Welfare and Enforcement Service. When reporting a problem, it would be helpful if you are able to provide any of the following information:

- Name and/or address of offender
- Type of dog and time of day that problems occur
- Registration number of a vehicle used by the offender.

## Stray and lost dogs

Your dog **must not** be allowed to roam unattended.

New legislation means that from September 2008 the Local Authority now has sole responsibility for stray dogs. A dog may be treated as a stray if it is roaming freely and not under the control of any person. Such dogs may be seized and detained by

Officers of the Local Authority.

Many stray or lost dogs are secured by the public and then passed to the Council's Dog Welfare and Enforcement Officers. If a dog's owner cannot be immediately traced the dog will be kennelled by the Council until it can be reunited with an owner.

In some areas of Cornwall there remains an element of a "latch-key dog" culture, where dogs are put out and return home at will. These dogs frequently foul the same areas when out, eg, back lanes, grass verges and neighbouring gardens generating significant concerns for residents and a large number of complaints to the Dog Welfare and Enforcement Service.

All dogs seized, or passed to the Dog Welfare and Enforcement Service are subject to charges upon reclaim by the owners. For current fees and charges please refer to the Cornwall Council website or contact your local One Stop Shop.

- If a stray dog remains unclaimed after 7 clear days, the dog becomes the property of Cornwall Council.
- Cornwall Council works with local animal welfare organisations to rehome all healthy, non aggressive, unclaimed stray dogs.

### If you find a dog you must

Return the dog to its owner if known, or, pass the dog to the Dog Welfare and Enforcement Service advising them of where and when it was found. (if unclaimed by the owner) or you may be committing an offence.

You may choose to retain the dog but must supply details to the Dog Welfare and Enforcement Service and must keep the dog for at least one month.

## Dangerous dogs

### Your dog must not bite or frighten people

Under the Dangerous Dogs Act 1991 four breeds of dog are banned in the UK. These are The Pit Bull Terrier type, The Japanese Tosa, The Dogo Argentino and the Fila Brasileiro. For more information on this section of the Dangerous Dogs Act please visit [www.defra.gov.uk](http://www.defra.gov.uk)

A later amendment to the Act means that **any** dog can be regarded as “dangerously out of control” on any occasion when there are grounds for concern that it would injure any person, whether or not it actually does so. If a dog bites someone, it will be presumed to have been dangerously out of control. This applies to all types of dog regardless of breed type or size.

The police have responsibility for dealing with dangerous dogs.

### You must control your dog near livestock

The Dogs (Protection of Livestock) Act 1953 means that if a dog worries livestock on agricultural land, the owner or person in charge of the dog would be guilty of an offence. It is enough for a dog to run among livestock and cause them alarm.

The definition of livestock includes cattle, sheep, horses and poultry. Offences under this Act may be dealt with through criminal or civil proceedings.

### Dog on dog aggression

Some owners will be affected by dog on dog aggression if their pet is attacked or bitten by another dog. If this is the case then under the Dogs Act 1871 a complaint may be made to a Magistrates Court. This is a civil complaint, although as it is heard in a Magistrates Court it is often, wrongly, said to be criminal. This Act differs from the Dangerous Dogs Act in that:

- It applies regardless of where the incident takes place.
- Proceedings can only be brought against the owner.
- A dog can show itself to be dangerous in its general behaviour not just in its behaviour towards a person.
- No injury to a person needs to be proved.

If the Magistrates find that the dog is dangerous, they may either order the dog's owner to keep it under proper control or order it to be destroyed. A fine can be imposed for breach of either kind of order.

## Identification

Your dog **must** wear an ID tag when in a public place.

Under the Control of Dogs Order 1992 every dog, whilst in a public place, must wear a collar with an ID tag or plate giving its owner's contact details. The law states that this does not apply to dogs when involved in certain work, eg Police dogs, dogs trained by a registered charity.

The need for a tag is not replaced by implanting a micro-chip.

## Dog tags

Cornwall Council operates a dog tag scheme with owner details stored against each tag's unique number on a database.

## Microchipping

Microchipping your dog provides additional peace of mind for the dog owner as collars can be lost or removed. Microchips are a permanent form of identification and have resulted in stolen dogs being returned to the rightful owner, sometimes long after disappearing. If your dog gets separated from you and is involved in an accident, a microchip allows owner identification and enables veterinary staff to make decisions in regard to any necessary treatment beyond basic first aid.

When your dog is microchipped, owners contact details are stored on a national database against the Microchip number. All dog wardens,

vet surgeries and animal welfare organisations will scan a found dog for a microchip as a matter of course.

Cornwall Council also supply biodegradable dog waste bags to the public. These can be bought from any of the Councils One Stop Shops.

If you require any advice or information with regard to dog fouling, identification, dog barking issues or you have lost or found a dog please contact Cornwall Councils Dog Welfare and Enforcement Service on 0300 1234 212.

# Cornwall Council

## One Stop Shops

### **Bodmin**

Barn Lane, 3 - 5 Barn Lane,  
Bodmin PL31 1LZ

### **Bude**

The Library, The Wharf,  
Bude EX23 8LG

### **Callington**

The Town Hall, New Road,  
Callington PL17 7BE

### **Camborne**

Dolcoath Avenue,  
Camborne TR14 8SX

### **Camelford**

College Road, Camelford PL32 9TL

### **Falmouth**

34 Church Street,  
Falmouth TR11 3EF

### **Fowey**

The Library, Caffa Mill House,  
2 Passage Lane, Fowey PL23 1JS

### **Hayle**

Frank Johns Centre, 56 Queens Way,  
Hayle TR27 4NL

### **Helston**

Isaac House, Tyacke Road,  
Helston TR13 8RR

### **Launceston**

Market House Arcade, Market Street,  
Launceston PL15 8EP

### **Liskeard**

Luxstowe House, Greenbank Road,  
Liskeard PL14 3DZ

### **Looe**

The Library, Millpool, Looe PL13 2AF

### **Newquay**

Marcus Hill, Newquay TR7 1AF

### **Penryn**

Saracen House, Higher Market Street,  
Penryn TR10 8HU

### **Penzance**

St Clare, Penzance TR18 3QW

### **Redruth**

Chi Resrudh, Station Road,  
Redruth TR15 2FE

### **St Austell**

39 Penwinnick Road,  
St Austell PL25 5DR

### **St Ives**

The Guildhall, Street-an-Pol,  
St Ives TR26 2DS

### **Saltash**

The Library, Callington Road,  
Saltash PL12 6DX

### **Torpoint**

The Library, Fore Street,  
Torpoint PL11 2AG

### **Truro**

Carrick House, Pydar Street TR1 1EB

### **Wadebridge**

Higher Trenant, Higher Trenant Road,  
Wadebridge PL27 6TW

### **Other useful contacts**

**Police Switchboard** - 08452 777 444

**RSPCA** - 0300 1234 999  
(National Call Centre)

**National Animal  
Welfare Trust** - 01736 756005

**Defra helpline** - 08459 335577

for further information contact:

**Dog Welfare and Enforcement Service  
Public Health and Protection  
Cornwall Council  
County Hall  
Treyew Road  
Truro TR1 3AY**

Telephone: **0300 1234 212**

Email: **[envhealthandlicensing@cornwall.gov.uk](mailto:envhealthandlicensing@cornwall.gov.uk)**

**[www.cornwall.gov.uk](http://www.cornwall.gov.uk)**

### **Comments, Compliments and Complaints**

We want to hear from you if...

- You have a suggestion on how we might improve services
- You would like to compliment us on a job well done
- We have fallen short of your expectations
- We have fallen short of the standards we set ourselves in dealing with your complaints

#### **How to tell us your views**

- In person by calling into our one stop shops and many of our offices during working hours
- By post:           Comments, Compliments and Complaints  
                          Cornwall Council, County Hall, Treyew Road, Truro TR1 3AY
- or telephone: 0300 1234 100
- or email: [comments@cornwall.gov.uk](mailto:comments@cornwall.gov.uk)

#### **If you would like this information in another format please contact:**

Cornwall Council, County Hall,  
Treyew Road, Truro TR1 3AY

or telephone: 0300 1234 100

or email: [enquiries@cornwall.gov.uk](mailto:enquiries@cornwall.gov.uk)

[www.cornwall.gov.uk](http://www.cornwall.gov.uk)