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Our reference

Your reference

To: The Chief Officer of Police
(England and Wales)
Clerk of the Crown Court
Clerk to the Justices
Chief Crown Prosecutor

24 August 1992

Dear Sir/Madam

**HOME OFFICE CIRCULAR 80/1992:
FURTHER ADVICE CONCERNING THE DANGEROUS DOGS ACT 1991**

This Circular gives further advice about the implementation and enforcement of the Dangerous Dogs Act 1991. It should be read in conjunction with Home Office Circular No. 67/1991.

Crosses with the pit bull terrier

2. Some police forces have sought clarification about how the legislation affects pit bull crosses.

3. In this county the pit bull terrier is generally regarded as being a cross between a bull breed of dog and larger dogs like the mastiff. It may also, however, be obtained by breeding or cross-breeding pit bull terriers themselves. The terms of Section 1 of the Act make it clear that the section applies not only to 'pure' pit bull terriers but to any dog of the type known as the pit bull terrier. It is possible that a pit bull terrier may result from the cross of one dog which is a pit bull terrier and one which is not. Whether Section 1 of the Act applies to any particular cross will depend on whether the resulting dog is of the type known as the pit bull terrier – that is to say, whether it has the physical and behavioural characteristics of the pit bull terrier. While in the first instance it is for the police, local authority dog warden and the prosecution authorities to take a view about whether a particular dog comes within the terms of Section 1, it is of course ultimately a matter for the courts to decide.

Identification of the pit bull terrier

4. Chief Officers were sent a detailed description of the pit bull terrier type on 26 July 1991, and posters giving further indication of typical size and range of colouring of pit bull terriers were sent out on 2 August. In addition, Chief Officers may wish to note that the Staffordshire Bull Terrier Breed Council has provided a list of clubs which are willing to give advice to police officers, local authority dog wardens or the courts if there is any doubt about whether a dog is a Staffordshire Bull Terrier, the type with which the pit bull terrier is most commonly mistaken. It should be borne in mind, however, that the concern of members of the Council is likely to be with whether an animal is a Staffordshire Bull Terrier or a Staffordshire Bull Terrier Cross, and they may not be in a position to confirm or deny if the dog in question is a pit bull type. A copy of the list of clubs is attached at Annex A.

5. Attention is drawn to the issue of certificates by the 'Intercontinental Kennel Club' for 'American Staffordshire Terriers'. It is possible that the dogs for which these certificates have been issued may in fact be pit bull terriers. The Intercontinental Kennel Club is not recognised by either the British Kennel Club or the American Kennel Club. Police Officers, local authority dog wardens and the courts may wish to bear this in mind they come across such certificates.

Burden of proof

6. As outlined in the Home Office Circular No.67/1991, Section 5 (5) of the Act reverses the burden of proof so that the onus is placed on the accused to show that the dog is not of a type specially controlled by Section 1 of the Act. If the defence wish to rebut this presumption, Section 5(5) requires that they give fourteen days notice of their intention to do so. It is for the prosecution to decide whether to produce their own expert witnesses to support the presumption. These might include veterinary surgeons with experience in dealing with pit bull terriers or the other types of specially controlled dog, Staffordshire Bull Terrier judges, experienced police dog handlers or representatives of animal welfare organisations.

Mandatory destruction orders

7. Section 4(1)(a) of the Act provides that where an owner is convicted of an offence under Section 1 (ie where the dog is of a type that is specially controlled by the Act) or an aggravated offence under Section 3(1) or (3), the court is required to order the destruction of the dog involved in the commission of the offence. The court has no discretion regarding the destruction of the dog in such cases.

The animal welfare and resource implications of kennelling seized dogs

8. Delays in bringing cases to trial, resulting in the need for dogs which have been seized to be kennelled for substantial periods, are undesirable. When dealing with such cases courts will wish to give due consideration to the well-being of the animal, as well as the resource implications of prolonged kennelling arising from such delays. Courts may therefore wish to consider how these types of cases can best be expedited.

Provisions relating to dangerous dogs of any breed

9. Section 3 of the Dangerous Dogs Act 1991 created offences of having a dog dangerously out of control, including an aggravated offence where the dog injures a person. These offences relate to dogs of any breed. Where a conviction for the aggravated offence is secured, the court must order the destruction of the dog as explained in paragraph 7. There are in force, however, other statutory provisions relating to the control of dogs where the option of having the dog destroyed is either not available or is not mandatory. These include provisions in the Town Police Clauses Act 1847 and the Dogs Act 1871. Where a dog has attacked, Chief Officers and prosecuting authorities will wish to consider under which legislation it would be most appropriate for charges to be brought in the light of the circumstances of each case.

Certificate of Exemption

10. Specimen copies of the certificate of exemption issued in Great Britain are attached at Annex B (not on electronic version). Any breach of its conditions invalidates the certificate of exemption and the dog automatically becomes un-exempted. The dog may then be seized and the owner is liable to prosecution under Section 1(3). Where the dog was unmuzzled or not kept on a lead action may also be taken under Section 1(2)(d) and where the dog strayed or was abandoned, action may also be taken under Section 1(2)(e).

Liaison with the Index of Exempted Dogs

11. Chief Officers are reminded that each police force was asked in paragraph 25 of Home Office Circular No.67/1991 to provide the Index of Exempted Dogs with a contact point. It appears that not all forces have done so yet. It would help the Index considerably if such a contact point could be provided.

Northern Ireland

12. A similar exemption scheme has been set up in Northern Ireland and it has been agreed that certificates issued in Northern Ireland should be recognised in Great Britain and vice versa. A specimen copy of the certificate issued in Northern Ireland is attached at Annex C (not on electronic version). If any queries arise about a particular certificate issued in Northern Ireland, enquiries should be made through the Index of Exempted Dogs.

13. It is a requirement of certificates of exemption issued both in Great Britain and Northern Ireland that the Index (or the district councils in Northern Ireland) should be informed of any change of address lasting more than 30 days. If the change involves a move from Great Britain to Northern Ireland, the authorities maintaining the respective Indexes will pass on relevant information.

14. The major difference between the exemption scheme in Great Britain and that in Northern Ireland is that there is no tattooing requirement in Northern Ireland. Dogs exempted in Northern Ireland need not, therefore, be tattooed and there is no requirement for them to be tattooed if they move to Great Britain. Officers who

encounter an un-tattooed dog whose owner states it was exempted in Northern Ireland should ask to see the certificate of exemption and make enquiries with the Index accordingly.

Further enquiries

15. Any enquiries about this Circular can be addressed to;

E Division
Animal Welfare Section
Room 979
Home Office
50 Queen Anne's Gate
London SW1H 9AT

Tel: 071 273 2316 or 071 273 3804.

Fax: 071 273 2423.

ALAN HARDING
E Division

cc: The Clerk to the Police Authority
The Clerk to the Magistrates' Courts Committee
The Circuit Administrator
The Courts Administrator

**THE STAFFORDSHIRE BULL TERRIER BREED COUNCIL
OF GREAT BRITAIN AND NORTHERN IRELAND**

The Chairman
Mr James F Beaufoy
Wyrefare Cottage
Yew Tree Lane
Bewdley, Worcs.

The Secretary
Mr John Monks
88 Briar Meads
Oadby
Leics. LE2 5WD
(0533) 713122

The Constituent Member Clubs and/or Societies 1991

Alyn and Deeside Staffordshire Bull Terrier Club, Mr Eammon Elphick, 53 Aldersey Road, Crewe, Cheshire CW2	0270 668329
The Downlands Staffordshire Bull Terrier Club, Mrs Ann Gattenby, Nettle Cottage, Mere Pond Lane, Privett, Alton, Hants GU34 3PF	0730 88402
East Anglian Staffordshire Bull Terriers Club, Mrs Joyce Shorrocks, Weston Hall, Beccles, Suffolk	0502 713472
East Midlands Staffordshire Bull Terriers Club, Mr John Monks, 88 Briar Meads, Oadby, Leicester LE2 5WD	0533 713122
Merseyside Staffordshire Bull Terrier Club Mr Rob Hudson, 38 Gourley Road, Liverpool L13 2DE	051 259 3811
The Morecambe Bay and Cumbria Staffordshire Bull Terrier Club, Mr Colin Stoupe, 15 Molyneux Place, Southpark, Lytham St Annes, Lancashire FY8 4PY	0253 738258
Northern Eastern Staffordshire Bull Terrier Club Miss J M E McLaughlan, 8 Darcy Close, Yarm, Cleveland TS15	0642 783948
Northern Counties Staffordshire Bull Terrier Club, Mr Ivor Keyes, 44 Glanford Road, Brigg, South Humberside	0652 55535
Northern Ireland Staffordshire Bull Terrier Club, Mr William Young, 18 Florida Drive, Belfast BT6	0232 456630
North of Scotland Staffordshire Bull Terrier Club Mrs Kay Carmichael, 97 Malcolm Road, Peterculter, Aberdeen	0224 734441
North West Staffordshire Bull Terrier Club, Mrs Carole Atherton, Cross Cottage, Shaw Brow, Whittle-le-Woods, Chorley, Lancs.	02572 60273
Notts and Derby District Staffordshire Bull Terrier Club, Mr Brian Grattidge, 3 Angela Ave, Kirkby in Ashfield, Notts.	0623 752340
Potteries Staffordshire Bull Terrier Club, Mr Steve Leyland, 333 Bemersley Road, Stoke on Trent, Staffs	0782 545405
The Staffordshire Bull Terrier Club, Mr James Beaufoy, Wyrefare Cottage, Yew Tree Lane, Bewdley, Worcs	0299 403382
Southern Counties Staffordshire Bull Terrier Society, Mrs Iris Baker, 41 Vernham Road, London SE18 3EY	081 854 8482
The Staffordshire Bull Terrier Club of South Wales, Mr John Holle, 22 Heol y Gors, Townhill, Swansea	0793 582597
Western Staffordshire Bull Terrier Society, Mrs Maureen Broadstock, 11 Greenfield Terrace, Abercynon, Mid Glamorgan	0443 442009

