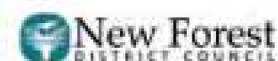




# Animal responsibility

Who is responsible for what



# Introduction

The purpose of this guide is to help the public and organisations quickly establish who they need to contact in relation to a variety of animal welfare matters. We don't claim to have found all the answers but we do hope that this helps point people in the right direction.

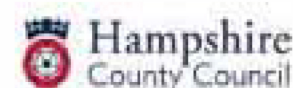
Most importantly we hope that people who are asked for advice on animal welfare matters, whether in a Council call centre, a Police station, the Citizens Advice Bureau or a Veterinary Surgery will find this Guide to be of assistance.

The Hampshire and Isle of Wight Dog Wardens Group would like to thank all our members for helping to develop this Guidance Document, with particular thanks to Tom Payne for leading and co-ordinating the drafting of this booklet.

*Dave Griffiths*

**Chair to the Hampshire and Isle of Wight Dog Wardens Group**

June 2014



As a charity the RSPCA responds to incidents as quickly as they can. The RSPCA receives no government funding for day to day operations and has limited resources yet still responds to 1.2 million calls a year with less than 300 full time Inspectors to cover England and Wales to deal with incidents.



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# Responsibilities under the Animal Welfare Act 2006

Anyone who owns, keeps, works with or has any responsibility for an animal is legally obliged to ensure the animal's welfare needs are met by providing for these five basic needs:

- need for a suitable environment
- need for a suitable diet
- need to be able to exhibit normal behaviour patterns
- need to be housed with, or apart, from other animals
- need to be protected from pain, suffering, injury and disease.

Failure to do so may mean an offence has been committed under section 9 of the Animal Welfare Act so, if you are not sure how to look after a domestic animal. Look at the RSPCA website for guidance or look at the DEFRA codes of practice.

For advice on farmed livestock contact your local Trading Standards Animal Health team (see useful contacts page).

## KEY



First point of contact

- \* References to a "Council" refers to a District, Borough or Unitary authority. "County Council" refers to Hampshire County Council or Unitary authority (if you live in Portsmouth, Southampton or the Isle of Wight).

Type of incident	Owner/Keeper's responsibility	Council*	Police	RSPCA
<b>Unnecessary Suffering</b> (Section 4) – an offence to cause unnecessary suffering to an animal by an action or failure to act.	Not to cause unnecessary suffering to an animal.	Councils have the power to appoint inspectors under this Act – appointed inspectors may get involved in cases but this will vary between Councils. County Council Trading Standards may investigate instances involving farmed animals.	Do not generally deal with this but may get involved in some cases.	RSPCA will generally take the lead in investigations.



Type of incident	Owner/Keeper's responsibility	Council*	Police	RSPCA
<b>Tail docking</b> (Section 6) – it is an offence to allow tail docking on a dog (except on a vet-certified working dog under 5 days old). This only applies to certain breeds / cross breeds. There are various associated offences. Only a vet can perform the procedure on a certified working dog.	If considering docking, check with a vet to see if docking is allowed. Be aware that if the docking is done by anyone other than a vet by a third party on behalf of the owner/keeper then a prosecution could still take place.	Do not generally deal with this but may get involved in some cases.	Do not generally deal with this.	The RSPCA will generally take the lead in investigations.  NB Vets can also be prosecuted for illegal tail docking.
<b>Poisoning</b> (Section 7) – it is an offence to administer, or permit to be administered, poisonous or injurious drugs to an animal.	Take care in what is given to your pets as different things can be injurious to different species. If you suspect that your pet has been poisoned consult a vet immediately.	Do not generally deal with this but may get involved in some cases.	Do not generally deal with this.	The RSPCA will generally take the lead in investigations.



Type of incident	Owner'/Keeper's responsibility	Council*	Police	RSPCA
<b>Dog/Animal fighting</b> (Section 8) – organising, attending, allowing or participating in any animal fighting is an offence.	Do not have anything to do with animal fighting.	Do not generally deal with this but may get involved in some cases.	The Police have unique powers under the Act and will be involved in these investigations.	RSPCA will generally take the lead in investigations.
<b>Duty of care</b> (Section 9) – it is an offence to fail to take reasonable steps in all the circumstances to meet the welfare needs of an animal, including abandonment.	You have a duty of care to the animal and as far as possible ensure its welfare needs are met.	Councils have the power to appoint Inspectors under this Act – appointed inspectors may get involved in cases but this will vary between Councils. County Council Trading Standards may investigate instances involving farmed animals.	Do not generally deal with this but may get involved in some cases.	RSPCA will generally take the lead in investigations.
<b>Emergencies in which an animal is suffering or is likely to suffer if the circumstances don't change</b> (Section 18 and 19).	As above.	Councils have the power to appoint Inspectors under this Act – appointed inspectors have specific powers of entry, seizure of an animal or to authorise an animal to be humanely destroyed for welfare reasons.	Constables have specific powers of entry, seizure of an animal or to authorise an animal to be humanely destroyed for welfare reasons.	RSPCA will usually be involved in incidents but do not have the powers of entry that appointed council Inspectors and Constables have. They may approach the police or council and request they use their legal powers.



# Responsible dog ownership and care

Dog owners have the ultimate responsibility for their dogs. This responsibility extends far beyond the legal duty to ensure the health and welfare of their dog at all times. Owners must also ensure that:

- Any mess left by their dog in a public space is picked up and disposed of to protect the health of the public.
- Their dogs are not left in unsafe or dangerous environments such as hot cars, or roaming the streets unleashed.
- Their dogs are properly exercised and receive appropriate preventative and curative medical treatment.
- Their dog(s) wear a collar and tag bearing the owners contact details. From April 2016 the government intend to also make it a legal requirement for all dogs to be microchipped. Once micro chipped, it is important to ensure that the keeper's details are kept up to date.

Type of incident	Owner/Keeper's responsibility	Council*	Police	RSPCA
Dogs (or other animals) abandoned in or on private property.	Anyone who abandons an animal without taking reasonable steps to ensure that its needs are met (to the extent required by good practice) may commit an offence (under Section 9 of the Animal Welfare Act). If the animal actually suffers as a result of its abandonment, there may also be an offence committed under section 4.	The Council does not have any legal duty to act in such cases. However the Council may assist if they have appointed Inspectors under the Animal Welfare Act.	The Police may assist the RSPCA in gaining access.	RSPCA will generally take the lead in investigations. They will monitor the situation and if the dog is not fed or left with water for a period of time they will act to gain access and seize the dog.



Type of incident	Owner/Keeper's responsibility	Council*	Police	RSPCA
Unwanted dogs (or other animals).	<p>Giving up an unwanted pet should always be a last resort. There is an overpopulation of most companion animals and every effort should be made by the owner/keeper to responsibly rehome their pet.</p> <p>The owner/keeper should contact responsible pet rescues who may be able to rehome the animal. Please check the RSPCA and Council websites for further advice (see Useful contacts page).</p>	Generally Councils will not accept unwanted pets. They will only deal with strays.	None.	None.
Prisoners dogs - where the Police take a person into custody who owns a dog (or other animal).	<p>To make the Police aware if they have a dog (or other animal) that was not with them when they were arrested.</p> <p>Owners that are likely to be given a custodial sentence should make appropriate provisions for their pets care.</p>	None.	The Police have primary responsibility for the safe keeping of a prisoner's property.	None.



# Dangerous dogs

Type of incident	Owner/Keeper's responsibility	Council*	Police	RSPCA
Dogs dangerously out of control. This includes dog attacks on a person, on a dog or another animal and livestock.	<p>To keep their dog(s) under control.</p> <p>Any concerns that a keeper of a dog may have could be addressed by seeking behavioural or training advice from suitably a certified clinical animal behaviourist - see Association of Pet Behaviour Councillors <a href="http://www.apbc.org.uk">www.apbc.org.uk</a> for training visit <a href="http://www.apdt.co.uk/dog-owners/local-dog-trainers">www.apdt.co.uk/dog-owners/local-dog-trainers</a></p>	Though not a Council responsibility some overlap occurs when the dog is a stray or if there is a dog control order in place which requires owners to keep their dogs on a lead. The Council may also investigate some incidents (for example dog bites which do not break the skin) during office hours, to assess if further action is required.	The Police have primary responsibility and will deal with certain serious reports and those referred to them by the Council.	None.

# Banned dogs

Type of incident	Owner/Keeper's responsibility	Council*	Police	RSPCA
Suspicion that the dog may be a banned type.	It is an offence to own certain types of dog. These are the Pit Bull Terrier, Japanese Tosa, Dogo Argentino and Fila Brasileiro. It is also an offence to sell, abandon, give away or breed from a banned dog. Exemption from the ban may be given by a Magistrates court in certain circumstances.	If the owner is not known and the dog is seized as a stray the council will deal with the matter with assistance from the Police.	If the owner is known, the Police will deal with the matter, either by prosecution or by application to the Magistrates Court.	None.



# Dangerous dogs register/Index of exempted dogs

Type of incident	Owner/Keeper's responsibility	Council*	Police	RSPCA
Under the Dangerous Dogs Act 1991 DEFRA maintains a register of all exempted dogs kept in the UK. Dogs can only be added to the register by a Magistrates Court, the public cannot apply direct to DEFRA.	Once on the index of exempted dogs, the owner must meet various requirements including, 1) Maintain 3rd Party Insurance 2) Have the dog Tattooed and microchipped 3) To ensure your dog is muzzled and on a lead in any public place (n.b this includes a vehicle) 4) The dog is controlled in a public place by a person of 16 years and older.	Councils do not usually conduct audits or checks on these dogs unless circumstances develop that bring a dog to their attention.	Though not a responsibility the Police, may audit the register for dogs in their area and periodically check these dogs.	None.

# Stray dogs

Type of incident	Owner/Keeper's responsibility	Council*	Police	RSPCA
Lost and found dogs.	Dog owners have a legal responsibility to ensure their dog is wearing a collar and tag bearing their contact details. They should also take all reasonable steps to prevent their dog from straying. If their dog does escape they should contact the Council as soon as possible.	If a finder cannot return the dog to its owner then the Council should be informed. During office hours (Monday to Friday) the Authority will often arrange to collect the dog and out-of-hours a limited collection service may be offered or a reception point will be provided.	None.	None.
Straying on highways with restricted public access i.e. Motorways.	As above.	The Council will only attend with the assistance of the Police or Highways agency. Once a dog is seized the Local authority will take responsibility for it.	The Police are responsible for animals where they have escaped onto a road. The Highways Agency are responsible for the motorway network.	None.
If a dog or other animal's owner is incapacitated, for instance is taken to hospital or is under local authority care.	Where possible, arrange for a relative or other suitable responsible person to look after your dog. Alternatively make the local authority or hospital aware as soon as possible.	The Council may assist but the dog cannot be seized as a stray dog.  The County Council are responsible for covering any kennelling costs under section 48 of the National Assistance Act 1948.	None.	None.



# Noise or other types of nuisance

Type of incident	Owner/Keeper's responsibility	Council*	Police	RSPCA
Dog barking.	<p>To ensure that their dog(s) do not bark for prolonged periods or at times of the day which cause nuisance to people nearby.</p> <p>See the <a href="http://www.gov.uk">www.gov.uk</a> website for further advice. Talk to your vet. Sometimes a dog will bark because he is ill or anxious. Your vet will check for any problems, or may refer you to an animal behaviourist who can suggest ways to improve your dog's behaviour.</p>	The council will investigate complaints about dog barking and have powers to tackle such problems.	None.	None.

## Imported animals

Type of incident	Owner/Keeper's responsibility	Council*	Police	RSPCA
Imported pets.	If you have purchased an animal which is suspected to have been brought into the Country in breach of the legislation it may be taken into quarantine at your expense.	County Council Trading Standards enforce the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 and the Non-Commercial Movement of Pet Animals Order 2011.	Assistance of arrest if required.	RSPCA to liaise with the County Council or other agencies in respect of reports or collections of pets suspected to have been incorrectly imported.

# Farm animals

Type of incident	Owner/Keeper's responsibility	Council*	Police	RSPCA
Farm Animals (Livestock).	You must ensure its needs are met under the Animal Welfare Act 2006 and subordinate legislation and are not suffering unnecessarily. You must comply with all disease control requirements such as records and movement documents.	*County Council Trading Standards enforce disease control requirements and may enforce welfare legislation.	Police will assist with farm animals escaped onto a public highway and will provide assistance in the event of a disease outbreak.	RSPCA to liaise with the County Council Trading Standards in respect of farm animal welfare.

# Wild animals

Type of incident	Public's responsibility	Council*	Police	RSPCA
Sick or injured wild animals.	It is an offence to: <ul style="list-style-type: none"> <li>• kill or take wild birds and some animals</li> <li>• offer wild birds and some wild animals for sale</li> </ul> If possible, if a wild animal is found injured, without putting yourself at risk, take it to a vet during practice hours.	None.	Will assist the RSPCA to carry out stop, search and seizures and traffic control on roads.  Most force areas have a specialist officer to deal with wildlife crime.	Report this type of incident to the RSPCA who will generally lead on such incidents.  Also report any sick or injured wild animal, that cannot be taken to a vet, using the RSPCA's emergency line 0300 1234 999.



# Horses

Type of incident	Owner/Keeper's responsibility	Council*	Police	RSPCA
Welfare of horses – Including stray, fly grazing and tethered horses.	You must ensure compliance with the Animal Welfare Act 2006. All equines must be identified by a Horse Passport and registered in current owner's name.  Land owners may be able to arrange the disposal of fly grazed horses under the Animals Act of 1971.	Council's may investigate instances of horses illegally grazed on council owned land. County Council Trading Standards enforce the Horse Passport Regulations.	Will become involved with stray horses which present a public safety issue.	May be involved where there are specific welfare concerns.

# Licensing

Type of incident	Owner/Keeper's responsibility	Council*	Police	RSPCA
Dog breeding.	Duty to hold a licence and secure the welfare of the animals kept at the establishment.	Enforcement of regulations and licensing of breeders who meet criteria and investigation of unlicensed breeders.	Investigation into allegations of breeding of banned dogs.	May investigate concerns around animal welfare.
Dog/Cat Boarding.	Duty to hold a licence and secure the welfare of the animals kept at the establishment.	Enforcement of regulations and licensing of home and commercial dog boarding premises and commercial cat boarding premises.	None.	May investigate concerns around animal welfare.
Pet Shops.	Duty to hold a licence and secure the welfare of the animals kept at the establishment.	Enforcement of regulations and licensing of Pet Shops selling animals and investigation into unlicensed pet shops selling animals.	None.	May investigate concerns around animal welfare.



Type of incident	Owner/Keeper's responsibility	Council*	Police	RSPCA
Riding Establishment.	Duty to hold a licence and secure the welfare of the animals kept at the establishment.	Enforcement of regulations and licensing of Riding Establishments and investigation into unlicensed riding establishments.	None.	May investigate horses found to be suffering at riding establishments.
Dangerous Wild Animals.	Duty to hold a licence and secure the welfare of the animals kept at the establishment and to prevent any means of escape.	Enforcement of regulations and licensing of keepers of Dangerous Wild Animals (as defined under the schedule to the Dangerous Wild Animals Act 1976) and investigation into unlicensed keepers of Dangerous Wild Animals.	None.	May investigate concerns around Dangerous Wild Animals found to be suffering.
Licensed Zoos and similar animal premises (i.e. sanctuaries or those zoos subject to exemption or dispensation).	Duty to hold a licence and secure the welfare of the animals kept at the establishment.	Enforcement of regulations and licensing of Zoos under the Zoo Licensing Act 1981.	None except where there is animal escape.	May investigate concerns around animal welfare.
Performing Animals.	If you intend to keep or train animals for public performance, for example in a circus, television, theatre or in a film, the animal needs to be registered with the County Council (those based in unitary authorities of Portsmouth or Southampton may register with that authority or with the County Council).	County Council Trading Standards to register under The Performing Animals (Regulation) Act 1925.	None.	RSPCA may take the lead in incidents relating to cruelty and liaise with the County Council.

# Dead animals

Type of incident	Owner/Keeper's responsibility	Council*	Police	RSPCA
Dead farm livestock or horses.	Must comply with the Animal By-products Regulations regarding the proper disposal of fallen livestock. For advice contact your local Trading Standards Animal Health team (see Useful contact page).	County Council Trading Standards enforce the Animal By-Products Regulations which deals with disposal routes for carcasses.	None.	None.
Dead animals on motorways or major trunk roads.	If you hit a dog, equine or farm animal then you must report it to the police.	The Highways Agency will remove these. Tel: 0300 123 5000.	None.	None.
Dead animals on other public roads.	If you hit a dog, equine or farm animal then you must report it to the police.	Your Council will remove these and may scan for a microchip.	None.	None.

## Useful contacts:

Contact details for stray dogs in Hampshire & the Isle of Wight

Council	Office hours	Out of hours	Website
Basingstoke and Deane Borough Council	01256 844844	01256 844844 Mon to Fri: 5pm to 10pm Sat/Sun: 9am to 10pm	<a href="http://www.basingstoke.gov.uk">www.basingstoke.gov.uk</a>
East Hants District Council	01730 234360	07907 911069. Reception centre in Bordon Weekends and Bank Holidays: 9am to 5pm	<a href="http://www.easthants.gov.uk">www.easthants.gov.uk</a>
Eastleigh Borough Council	02380 688329 or Three Oaks Kennels 01489 892760	01489 892760 – Three Oaks Kennels, Bishops Waltham Mon to Fri: 5pm to 9pm drop off only Weekends and Bank Holidays: 9am to 9pm drop off only	<a href="http://www.eastleigh.gov.uk">www.eastleigh.gov.uk</a>
Fareham Borough Council	01329 236100	0800 374485 Mon to Fri: 5.15pm to 10pm Sat/Sun/BH: 9am to 10pm	<a href="http://www.fareham.gov.uk">www.fareham.gov.uk</a>
Gosport Borough Council	023 9258 4242	08000 280835 Mon to Sun: 8 to 9am and 5 to 7pm	<a href="http://www.gosport.gov.uk">www.gosport.gov.uk</a>
Hart District Council	01252 774421	0845 677 0678 Mon to Fri: 5pm to 10pm Sat/Sun: 9am to 10pm	<a href="http://www.hart.gov.uk">www.hart.gov.uk</a>
Havant Borough Council	02392 446667	07917 462868 No weekday after 5.30pm Sat/Sun 10am to 4pm	<a href="http://www.havant.gov.uk">www.havant.gov.uk</a>
Isle of Wight	01983 823000	01983 821105	<a href="http://www.iwight.com">www.iwight.com</a>
New Forest District Council	02380 285411	02380 285202 (answer machine – actioned the next working day) or phone Warren Avenue Kennels on 02380 510065 who can be contacted between 5.15 to 9pm Monday to Friday and 10am to 4.30pm on Weekends and Bank Holidays	<a href="http://www.newforest.gov.uk">www.newforest.gov.uk</a>



Council	Office hours	Out of hours	Website
Portsmouth City Council	8 am to 5pm, 7 days 02392 688181 or 02392 834092	5pm to 10pm, 7 days a week 02392 688181 or 02392 834092	<a href="http://www.portsmouth.gov.uk">www.portsmouth.gov.uk</a>
Rushmoor Borough Council	01252 398166	01252 398183	<a href="http://www.rushmoor.gov.uk">www.rushmoor.gov.uk</a>
Southampton City Council	02380 510065	02380 510065 - Warren Avenue Kennels Weekdays: 5 to 9pm Weekends and Bank Holidays: 10am to 4pm	<a href="http://www.southampton.gov.uk">www.southampton.gov.uk</a>
Test Valley Borough Council	01264 368000	01264 356058 Mon to Fri: 5 to 8pm Weekends and Bank Holidays: 10am to 4pm	<a href="http://www.testvalley.gov.uk">www.testvalley.gov.uk</a>
Winchester City Council	01962 848097	01962 865 407 Drop off at Three Oaks Kennels, Bishops Waltham: Mon to Fri: 5pm to 9pm Weekends/Bank Holidays: 9 to 1pm and 3 to 9pm Collection: Weekends/Bank Holidays: 9 to 1pm and 3 to 5pm	<a href="http://www.winchester.gov.uk">www.winchester.gov.uk</a>

## Other useful contacts

Organisation	Contact phone number	Out of hours
Police	101 or 999 in case of emergencies	<a href="http://www.hampshire.police.uk">www.hampshire.police.uk</a>
Hampshire County Council Trading Standards	01962 833621 (includes 24 hour emergency contact)	<a href="http://www.hants.gov.uk">www.hants.gov.uk</a>
RSPCA	24-hour cruelty line on 0300 1234 999	<a href="http://www.rspca.org.uk">www.rspca.org.uk</a>
National Equine Welfare Council (NEWC)	Office Hours week 01962 848350	<a href="http://www.newc.co.uk/welfare-concern/who-to-contact/">www.newc.co.uk/welfare-concern/who-to-contact/</a>
Highways Agency	0300 1235000	<a href="http://www.highways.gov.uk">www.highways.gov.uk</a>

