



# Dangerous Dogs Act 1991

## 1991 CHAPTER 65

### 5 Seizure, entry of premises and evidence. **E+W**

- (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 <sup>[F1]</sup>a dog] to which that section or such an order applies) which appears to him to be dangerously out of control.

[<sup>F2</sup>(1A) A constable or an officer of a local authority authorised by it to exercise the powers conferred by this subsection may seize any dog in a place in England or Wales which is not a public place, if the dog appears to the constable or officer 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 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.

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

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<sup>F3</sup>(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.

#### 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. 5(1)(c) substituted (E.W.) (13.5.2014) by [Anti Social Behaviour, Crime and Policing Act 2014 \(c. 12\), ss. 106\(5\)\(a\), 185\(1\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, [Sch. para. 6](#)
- F2** S. 5(1A) inserted (E.W.) (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), ss. 106\(5\)\(b\), 185\(1\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, [Sch. para. 6](#)
- F3** S. 5(4) ceased to have effect (8.6.1997) by virtue of [1997 c. 53, s. 3\(2\)](#) (with s. 5(1)); S.I. 1997/1151, [art. 2](#)

#### Modifications etc. (not altering text)

- C1** S. 5(2) extended (1.4.2003) by [2001 c. 16, ss. 50, 52-54, 60, Sch. 1 Pt. 1 para. 54](#) S.I. 2003/708
- C2** S. 5(2) powers of seizure extended (1.4.2003) by [Criminal Justice and Police Act 2001 \(c. 16\), ss. 50, 138\(2\), Sch. 1 paras. 54](#) (with ss. 52-54, 68); S.I. 2003/708, art. 2(a)

#### Commencement Information

- I1** S. 5 wholly in force at 12.8.1991, see s. 10(4) and [S.I. 1991/1742, art. 3](#).

## 5 Seizure, entry of premises and evidence. **S**

- (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 [<sup>F4</sup>a dog] to which that section or such an order applies) which appears to him to be dangerously out of control.

[<sup>F5</sup>(1A) A constable may seize any dog not in a public place (whether or not a dog to which that section or such an order applies) which appears to him to be dangerously out of control.]

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

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- (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 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.
- <sup>F6</sup>(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.

**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**

- F4** Words in s. 5(1)(c) substituted (S.) (26.2.2011) by [Control of Dogs \(Scotland\) Act 2010 \(asp 9\)](#), s. 18(2), [Sch. 1 para. 2\(5\)\(a\)](#) (with s. 16)
- F5** S. 5(1A) inserted (S.) (26.2.2011) by [Control of Dogs \(Scotland\) Act 2010 \(asp 9\)](#), s. 18(2), [Sch. 1 para. 2\(5\)\(b\)](#) (with s. 16)
- F6** S. 5(4) ceased to have effect (8.6.1997) by virtue of [1997 c. 53, s. 3\(2\)](#) (with s. 5(1)); [S.I. 1997/1151, art. 2](#)

**Modifications etc. (not altering text)**

- C3** S. 5(2) extended (1.4.2003) by [2001 c. 16, ss. 50, 52-54, 60, Sch. 1 Pt. 1 para. 54](#) [S.I. 2003/708](#)
- C4** S. 5(2) powers of seizure extended (1.4.2003) by [Criminal Justice and Police Act 2001 \(c. 16\)](#), ss. 50, 138(2), [Sch. 1 paras. 54](#) (with ss. 52-54, 68); [S.I. 2003/708, art. 2\(a\)](#)

**Commencement Information**

**I2** S. 5 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 5.