



Dogs Act 1906

1906 CHAPTER 32 6 Edw 7

1 Liability of owner of dog for injury to cattle.

^{F1}(1)

^{F2}(3)

(4) Where a dog is proved to have injured cattle [^{F3}or poultry] or chased sheep, it may be dealt with under ^{M1}[^{F4}section 9 of the Control of Dogs (Scotland) Act 2009] as a dangerous dog.

Textual Amendments

- F1** S. 1(1)(2) repealed and superseded (E.W.S.) by (E.W.) [Animals Act 1971 \(c. 22\), ss. 1, 13\(2\)\(a\)](#) and (S.) [Animals \(Scotland\) Act 1987 \(c. 9, SIF 4:6\), ss. 1\(8\)\(c\), 8\(2\), Sch.](#)
- F2** S. 1(3) repealed (E.W.S.) by (E.W.) [Animals Act 1971 \(c. 22\), s. 13\(2\)\(a\)](#) and (S.) [Animals \(Scotland\) Act 1987 \(c. 9, SIF 4:6\), s. 8\(2\), Sch.](#)
- F3** Words inserted by [Dogs \(Amendment\) Act 1928 \(c. 21\), s. 1](#)
- F4** Words in s. 1(4) substituted (S.) (26.2.2011) by [Control of Dogs \(Scotland\) Act 2010 \(asp 9\), s. 18\(2\), sch. 1 para. 1](#) (with s. 16)

Marginal Citations

- M1** [1871 c. 56.](#)

^{F5}2

Textual Amendments

- F5** S. 2 repealed by [Diseases of Animals Acts 1950 \(c. 36\), s. 89, Sch. 5](#)

^{F6}3 Seizure of stray dogs. **E+W**

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Changes to legislation: There are currently no known outstanding effects for the Dogs Act 1906. (See end of Document for details)

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

- F6** S. 3 repealed (E.W.) (6.4.2008) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 68(1), 108(3), [Sch. 5 Pt. 6](#) (with s. 68(2)); S.I. 2008/956, art. 2

3 Seizure of stray dogs. **S**

- (1) Where a police officer ^{F28} . . . has reason to believe that any dog found in a [^{F29}road] or place of public resort [^{F30}or on any other land or premises] is a stray dog, he may seize the dog and may detain it until the owner has claimed it and paid all expenses incurred by reason of its detention.

[^{F31}(1A) The powers under subsection (1) above shall not be exercised in relation to any dog found on any land or premises other than [^{F32}in a road] or place of public resort unless the owner of the land or premises or person having the right of possession thereof has consented to such exercise.]

[^{F33}(1B) In subsections (1) and (1A) above “ road ” has the same meaning as in the Roads (Scotland) Act 1984.]

- (2) Where any dog so seized wears a collar having inscribed thereon or attached thereto the address of any person, or the owner of the dog is known, the chief officer of police, or any person authorised by him in that behalf ^{F34} . . . , shall serve on the person whose address is given on the collar, or on the owner, a notice in writing stating that the dog has been so seized, and will be liable to be sold or destroyed if not claimed within seven clear days after the service of the notice.

- (3) A notice under this section may be served either—
- by delivering it to the person on whom it is to be served; or
 - by leaving it at that person’s usual or last known place of abode, or at the address given on the collar; or
 - by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode, or at the address given on the collar.

- (4) Where any dog so seized has been detained for seven clear days after the seizure, or, in the case of such a notice as aforesaid having been served with respect to the dog, then for seven clear days after the service of the notice, and the owner has not claimed the dog and paid all expenses incurred by reason of its detention, the chief officer of police, or any person authorised by him in that behalf ^{F34} . . . , may cause the dog to be sold or destroyed in a manner to cause as little pain as possible.

- (5) No dog so seized shall be given or sold for the purposes of vivisection.

- (6) [^{F35}The chief constable of the Police Service of Scotland] shall keep, or cause to be kept, one or more registers of all dogs seized under this section ^{F36} . . . ^{F37} . . . which are not transferred to an establishment for the reception of stray dogs. The register shall contain a brief description of the dog, the date of seizure, and particulars as to the manner in which the dog is disposed of, and every such register shall be open to inspection at all reasonable times by any member of the public ^{F38} . . .

Changes to legislation: There are currently no known outstanding effects for the Dogs Act 1906. (See end of Document for details)

- (7) [^{F39}The police shall not dispose of any dog seized under this section] by transferring it to an establishment for the reception of stray dogs unless a register is kept for that establishment containing such particulars as to dogs received in the establishment as are above mentioned, and such register is open to inspection by the public ^{F40}. . . .
- [^{F41}(7A) Where a dog is disposed of under this section to a purchaser in good faith, the sale shall vest the ownership of the dog in the purchaser.]
- (8) The police officer or other person having charge of any dog detained under this section shall cause the dog to be properly fed and maintained.
- (9) All expenses incurred by the [^{F42}Police Service of Scotland] under this section shall be defrayed [^{F43}by the Scottish Police Authority], and any money received by the [^{F42}Police Service of Scotland] under this section shall be paid to the [^{F44}Scottish Police Authority].
- ^{F45}(10)

Extent Information

- E3** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

Textual Amendments

- F28** Words in s. 3(1) inserted (S.) by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), s. 128(1)(a)(i)(2)(a) and repealed (1.4.1992) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(1), Sch. 15 para. 3(2); S.I. 1992/266, art. 3
- F29** Word “road” substituted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), Sch. 9 para. 20(a)
- F30** Words inserted (S.) by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), s. 128(2)(a)
- F31** S. 3(1A) inserted (S.) by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), s. 128(2)(b)
- F32** Words substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), Sch. 9 para. 20(b)
- F33** S. 3(1B) added (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), Sch. 9 para. 20(c)
- F34** Words in s. 3(2)(4) inserted (S.) by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), s. 128(1)(a)(ii) and repealed (1.4.1992) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(1), Sch. 15 para. 3(2); S.I. 1992/266, art.3
- F35** Words in s. 3(6) substituted (S.) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013 (S.S.I. 2013/119), art. 1, sch. 1 para. 1(2)(a)(i)
- F36** Words in s. 3(6) omitted (S.) (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013 (S.S.I. 2013/119), art. 1, sch. 1 para. 1(2)(a)(ii)
- F37** Words in s. 3(6) inserted (S.) by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), s. 128(1)(a)(iii) and repealed (1.4.1992) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(1), Sch. 15 para. 3(2); S.I. 1992/266, art. 3
- F38** Words repealed (S.) by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), Sch. 4
- F39** S. 3(7): by Civic Government (Scotland) Act 1982 (c. 45), s. 128(1)(a)(iv) new words were substituted (S.) for the words in brackets and by Environmental Protection Act 1990 (c. 43), s. 162(1), Sch. 15 para. 3(2) (with S.I. 1992/266, art. 3) it is provided that the amendments effected by s. 128(1)(a) of the 1982 Act shall cease to have effect (1.4.1992)
- F40** Words repealed (S.) by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), Sch. 4
- F41** S. 3(7A) inserted (S.) by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), s. 75(a)
- F42** Words in s. 3(9) substituted (S.) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013 (S.S.I. 2013/119), art. 1, sch. 1 para. 1(2)(b)(i)

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- F43** Words in s. 3(9) substituted (S.) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013 (S.S.I. 2013/119), art. 1, **sch. 1 para. 1(2)(b)(ii)**
- F44** Words in s. 3(9) substituted (S.) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013 (S.S.I. 2013/119), art. 1, **sch. 1 para. 1(2)(b)(iii)**
- F45** S. 3(10) repealed (S.) by Police (Scotland) Act 1967 (c. 77), Sch. 5 Pts. I, II

Modifications etc. (not altering text)

- C1** S. 3 extended (1.4.1992) by S.I. 1992/901, **art. 4**
- C2** S. 3(2)–(9) applied (with modifications) (5.11.2021) by 1953 c. 28, **s. 3(4)(5)** (as inserted (S.) by Dogs (Protection of Livestock) (Amendment) (Scotland) Act 2021 (asp 18), **ss. 3(5), 7(2)**)
- C3** S. 3(4)–(9) applied by Dogs (Protection of Livestock) Act 1953 (c. 28), **s. 2(3)**

[^{F7} 4 Delivery of stray dogs to police. E+W

^{F8}(1)

(2) Where a dog has been [^{F9}taken to a police station in pursuance of section 150(1) of the Environmental Protection Act 1990] then—

- (a) if the finder desires to keep the dog, he shall inform the said police officer of [^{F10}this fact and shall furnish his name and address and the police officer shall, having complied with the procedure (if any) prescribed under subsection (5) below, allow the finder to remove the dog], and thereupon the finder may remove the dog, but shall be under an obligation to keep it for not less than one month;
- (b) if the finder does not desire to keep the dog, the said police officer shall treat it as if it had been seized by him in pursuance of section three of this Act.

(3) If the finder [^{F11}removes the dog but fails to keep it for at least one month,], he shall be liable on summary conviction to a fine not exceeding [^{F12}level 1 on the standard scale].

[The Secretary of State may, by regulations made by statutory instrument, prescribe the ^{F13}(4) procedure to be followed under subsection (2)(a) above and any instrument containing regulations under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.]]

Extent Information

- E2** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

Textual Amendments

- F7** S. 4 substituted by Dogs (Amendment) Act 1928 (c. 21), **s. 2**
- F8** S. 4(1) repealed (1.4.1992) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(1)(2), Sch. 15 para. 3(3)(a), **Sch. 16 Pt. IX**; S.I. 1992/266, **art. 3**
- F9** Words in s. 4(2) substituted (1.4.1992) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(1), **Sch. 15 para. 3(3)(b)**; S.I. 1992/266, **art. 3**
- F10** Words in S. 4(2)(a) substituted (1.4.1992) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(1), **Sch. 15 para. 3(3)(c)**; S.I. 1992/266, **art. 3**
- F11** Words in s. 4(3) substituted (1.4.1992) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(1), **Sch. 15 para. 3(3)(d)**; S.I. 1992/266, **art. 3**

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- F12** Words “level 1 on the standard scale” substituted (E.W.) by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31\(5\)\(6\)](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)
- F13** S. 4(4) inserted (E.W.) (1.4.1992) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), [Sch. 15 para. 3\(3\)\(e\)](#); S.I. 1992/266, [art. 3](#)

[^{F46} **4 Delivery of stray dogs to police.** **S**

^{F47}(1)

(2) Where a dog has been [^{F48} taken to a police station in pursuance of section 150(1) of the Environmental Protection Act 1990] then—

- (a) if the finder desires to keep the dog, he shall inform the said police officer of [^{F49} this fact and shall furnish his name and address and the police officer shall, having complied with the procedure (if any) prescribed under subsection (5) below, allow the finder to remove the dog], and thereupon the finder may remove the dog, but shall be under an obligation to keep it for not less than one month;
- (b) if the finder does not desire to keep the dog, the said police officer shall treat it as if it had been seized by him in pursuance of section three of this Act.

(3) If the finder [^{F50} removes the dog but fails to keep it for at least one month,], he shall be liable on summary conviction to a fine not exceeding [^{F51} level 2 on the standard scale].

[Where a person has taken possession of a stray dog, and kept it in accordance with ^{F52}(4) subsection (2)(a) above for a period of two months without its having been claimed by the person having right to it, the person who has taken possession of it shall, at the end of that period, become the owner of the dog.]

[The Secretary of State may, by regulations made by statutory instrument, prescribe the ^{F53}(5) procedure to be followed under subsection (2)(a) above and any instrument containing regulations under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Extent Information

E4 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

Textual Amendments

- F46** S. 4 substituted by [Dogs \(Amendment\) Act 1928 \(c. 21\)](#), [s. 2](#)
- F47** S. 4(1) repealed (1.4.1992) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1)(2), [Sch. 15 para. 3\(3\)\(a\)](#), [Sch. 16 Pt. IX](#); S.I. 1992/266, [art. 3](#)
- F48** Words in s. 4(2) substituted (1.4.1992) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), [Sch. 15 para. 3\(3\)\(b\)](#); S.I. 1992/266, [art. 3](#)
- F49** Words in s. 4(2)(a) substituted (1.4.1992) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), [Sch. 15 para. 3\(3\)\(c\)](#); S.I. 1992/266, [art. 3](#)
- F50** Words in s. 4(3) substituted (1.4.1992) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), [Sch. 15 para. 3\(3\)\(d\)](#); S.I. 1992/266, [art. 3](#)
- F51** Words “level 2 on the standard scale” substituted (S.) by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289C\(4\)\(5\)](#), 289G and [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), [s. 75\(b\)\(i\)](#)
- F52** S. 4(4) inserted (S.) by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), [s. 75\(b\)\(ii\)](#)

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F53 S. 4(5) inserted (S.) (1. 4. 1992) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(1), **Sch. 15 para. 3(3)(e)**; S.I. 1992/266, **art. 3**

Modifications etc. (not altering text)

C4 S. 4 extended (S.) by Animals (Scotland) Act 1987 (c. 9, SIF 4:6), **s. 3(2)**

F14⁵

Textual Amendments

F14 S. 5 repealed by Dog Licences Act 1959 (c. 55), **Sch.**

F15^{F16} **Burying of carcasses.**

6

Any person who shall knowingly and without reasonable excuse permit the carcase of any head of cattle belonging to him [^{F17}or under his control] to remain unburied in a field or other place to which dogs can gain access shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding [^{F18}level 1 on the standard scale].]

Textual Amendments

F15 S. 6 repealed (W.) (12.5.2006) by Animal By-Products (Wales) Regulations 2006 (S.I. 2006/1293), regs. 1, **53(1)(b)**

F16 S. 6 repealed (E.) (28.9.2005) by Animal By-Products Regulations 2005 (S.I. 2005/2347), regs. 1, **54(1)(b)**

F17 Words inserted by Dogs (Amendment) Act 1928 (c. 21), **s. 3**

F18 Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G**

7 **Definition of cattle.**

In this Act the expression “cattle” includes horses, mules, asses, sheep, goats, and swine.

8 **Application of Act to Scotland.**

This Act shall apply to Scotland with the following modifications:—

^{F19}(a)

(b) The expression “police officer” shall mean a constable within the meaning of [^{F20}the [^{F21}Police and Fire Reform (Scotland) Act 2012]]:

^{F22}(c)

^{F23}(d)

Textual Amendments

F19 S. 8(a) repealed by Police (Scotland) Act 1967 (c. 77), **Sch. 5 Pt. I**

F20 Words substituted by Police (Scotland) Act 1967 (c. 77), **Sch. 4**

Changes to legislation: There are currently no known outstanding effects for the Dogs Act 1906. (See end of Document for details)

- F21** Words in s. 8 substituted (S.) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Modifications and Savings\) Order 2013 \(S.S.I. 2013/119\)](#), art. 1, **sch. 1 para. 1(3)**
- F22** S. 8(c) repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), **Sch. 1 Pt. I**
- F23** S. 8(d) repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

F24F25 **9 Application of Act to Ireland.**

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Textual Amendments

- F24** Act repealed (N.I.) (19.12.1983) by [S.I. 1983/764 \(N.I. 8\)](#), art. 56(2), **Sch. 2**; S.R. 1983 No. 376, **art. 2**.
- F25** S. 9 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 17** Group 1

F26 **10**

Textual Amendments

- F26** S. 10 and Schedule repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

11 ^{X1}† **Short title and commencement.**

This Act may be cited as the Dogs Act, 1906 ^{F27} . . .

Editorial Information

- X1** Unreliable margin note

Textual Amendments

- F27** Words repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Dogs Act 1906.