



Dogs Act 1906

1906 CHAPTER 32 6 Edw 7

F13 **Seizure of stray dogs.** **E+W**

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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F1 S. 3 repealed (E.W.) (6.4.2008) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 68(1), 108(3), [Sch. 5 Pt. 6](#) (with s. 68(2)); S.I. 2008/956, art. 2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 ^{F2} . . . has reason to believe that any dog found in a [^{F3}road] or place of public resort [^{F4}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.

[^{F5}(1A) The powers under subsection (1) above shall not be exercised in relation to any dog found on any land or premises other than [^{F6}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.]

[^{F7}(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 ^{F8} . . . , 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.

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 Dogs Act 1906, Section 3. (See end of Document for details)

- (3) A notice under this section may be served either—
- (a) by delivering it to the person on whom it is to be served; or
 - (b) by leaving it at that person's usual or last known place of abode, or at the address given on the collar; or
 - (c) 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^{F8} . . . , 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) [^{F9}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^{F10} ...^{F11} . . . 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^{F12} . . .
- (7) [^{F13}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^{F14} . . .
- [^{F15}(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 [^{F16}Police Service of Scotland] under this section shall be defrayed [^{F17}by the Scottish Police Authority], and any money received by the [^{F16}Police Service of Scotland] under this section shall be paid to the [^{F18}Scottish Police Authority].
- ^{F19}(10)

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

- F2** 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**
- F3** Word “road” substituted (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **Sch. 9 para. 20(a)**
- F4** Words inserted (S.) by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), **s. 128(2)(a)**
- F5** S. 3(1A) inserted (S.) by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), **s. 128(2)(b)**
- F6** Words substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **Sch. 9 para. 20(b)**

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Changes to legislation: There are currently no known outstanding effects for the Dogs Act 1906, Section 3. (See end of Document for details)

- F7** S. 3(1B) added (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 20(c)**
- F8** 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**
- F9** 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)**
- F10** 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)**
- F11** 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**
- F12** Words repealed (S.) by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), **Sch. 4**
- F13** 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)
- F14** Words repealed (S.) by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), **Sch. 4**
- F15** S. 3(7A) inserted (S.) by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), **s. 75(a)**
- F16** 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)**
- F17** 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)**
- F18** 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)**
- F19** 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)**

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 Dogs Act 1906, Section 3.