

Department for Environment, Food and Rural Affairs

# Promoting more responsible dog ownership

## Proposals to tackle irresponsible dog ownership

Date: October 2012

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## Purpose of this consultation

1. The Government considers that the fee for placing a prohibited type dog on the Index of Exempted Dogs (the Index) does not currently reflect the true costs of administering the Index. The Government considers that the costs of administering the Index should be met by the owners of the dogs rather than be subsidised by the tax payer.
2. This consultation is seeking views on the Government's proposal to increase the fee from £20 + VAT to £77 + VAT to properly reflect the true cost of administering the Index.
3. **This consultation applies to Wales only.** The Index of Exempted Dogs is operated by the Department for Environment, Food and Rural Affairs (Defra).
4. Section 1 of the Dangerous Dogs Act 1991 prohibits the possession of certain types of dogs. However, if a court considers that an individual dog, of a prohibited type, does not in itself pose a risk to public safety, they will allow it to be added to the Index, subject to the owner fulfilling the criteria of having a dog on the Index. One of the requirements is that the owner pay a one off fee of £20 + VAT. The rate of fee is set out in The Dangerous Dogs (Fees) Order 1997 (the "1997 Order"). In order to increase the fee the Government will need to amend the 1997 Order by way of an amending Order.
5. This proposal has already been consulted upon in England as part of a package of proposals to tackle irresponsible ownership of dogs. However, the other proposals in the package apply to England only. But we need to consult on this proposal in Wales because it will apply to Great Britain.

## Summary and implementation of plan

6. Once the consultation is complete Defra will consider all responses and make them available along with an official reply. The reply will set out what action the Government considers is appropriate and further Impact Assessments will be published. It is not possible at this stage to say when the proposals (the whole package of measures) might come into effect because some of them require changes to primary legislation and we do not as yet have a definite slot in the Parliamentary legislative timetable to do this.

## Proposal to increase the application fee for dogs to be placed on the Index of Exempted Dogs

7. After 30<sup>th</sup> November 1991 it was an offence to have a section 1 dog that was not on the Index of Exempted Dogs. Any dog suspected of being a prohibited type could be seized. If the seized dog was then found to be of a prohibited type, the Court had to order its destruction.
8. The Dangerous Dogs Act 1991 was amended in 1997. In the main this amendment repealed the mandatory destruction orders that courts applied to dogs found to be of those

types prohibited by the Dangerous Dogs Act 1991 and made it possible for section 1 dogs to be added to the Index of Exempted Dogs, but only at the direction of the court and only if the necessary conditions are met. In determining whether the section 1 dog could be placed on the Index the court must be satisfied that it represents no danger to public safety. In such a case the court makes a Contingent Destruction Order (CDO), and the owner then has two months to meet all the preliminary requirements (neutering, tattooing, microchipping and providing evidence of third-party insurance) before a Certificate of Exemption is issued.

9. To have a dog placed on the Register of Exempted Dogs an owner needs to complete an application form and send it to the Index of Exempted Dogs. The Index monitors compliance with the CDO and when full compliance is demonstrated a Certificate of Exemption is issued to owners for each dog. The cost of this is covered in part by an application fee that must be paid by the owner amongst meeting the other conditions of the CDO.

10. The Dangerous Dogs Compensation and Exemption Schemes Order 1991 set the fee payable to the agency administering the Index of Exempted Dogs in respect of a certificate of exemption at £12.50 plus Value Added Tax (VAT). The Dangerous Dogs (Fees) Order 1997 increased the fee from £12.50 plus VAT to £20.00 plus VAT at which level the application has remained to date.

11. As the operation of the Index fees is not devolved to Wales, Defra will liaise with the Welsh Government on legislation to increase the fee. The earliest this fee increase could take effect is February 2013.

12. The current fee of £20.00 plus VAT does not cover the cost of administering the Index of Exempted Dogs, and as a result the Government contributes towards the cost of administering the scheme. An increase in the fee is considered long overdue. Inflation over the last 14 years needs to be taken into account, as well as the fact that other licensing schemes already cost significantly more than £20 plus VAT.

13. The proposal is to increase the fee to £77.00 plus VAT. Although this is a significant increase, it must be considered in the light of the points made in the paragraph above. It should also be noted that the increase is relatively small compared to the other costs associated with getting a dog put on the Index of Exempted Dogs, such as neutering, microchipping and insurance. Furthermore, the increase is also relatively small compared to the overall cost of buying and keeping a dog for its life.

14. The proposal to increase the fee to £77.00 plus VAT will mean that the scheme does not become self-financing. As such, the Government will still need to contribute to the cost of administering the scheme, but it should mean that the Government's contribution towards the cost of the scheme will be reduced. The fee cannot be increased to an amount compatible with full cost-recovery, as advice from the Treasury is that only the costs of enforcement (and not monitoring) can be recovered.

15. Taking into account the various factors outlined above, the proposal to increase the fee to £77.00 plus VAT is considered to be an acceptable compromise.

16. We propose to review this fee after three years.

17. A full Impact Assessment is at the Annex.

## Questions

Q1: Do you agree that in the circumstances described the application fee be increased to £77 plus VAT? Why?

Q2: Do you think reviewing the fee after 3 years is reasonable?

## Responses

Please send responses to either: Hugh Togher, Animal Welfare Team, Defra, Area 8B, 9 Millbank c/o 17 Smith Square, London, SW1P 3JR. Tel: 020 7238 5991; or to [animalwelfare.consultations@defra.gsi.gov.uk](mailto:animalwelfare.consultations@defra.gsi.gov.uk) .

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