This Statutory Instrument, in part, corrects errors in SI 2015/138 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2024 No. 1149

DOGS, ENGLAND AND WALES

The Dangerous Dogs (Exemption Schemes) (England and Wales) (Amendment) (No. 2) Order 2024

Made - - - -	*12th November 2024*
Laid before Parliament	*13th November 2024*
Coming into force	*5th December 2024*

The Secretary of State makes this Order in exercise of the powers conferred by section 1(5), (6) and (6A) of the Dangerous Dogs Act 1991(**a**).

PART 1

Preliminary

Citation, commencement and extent

1.—(1) This Order may be cited as the Dangerous Dogs (Exemption Schemes) (England and Wales) (Amendment) (No. 2) Order 2024.

(2) This Order comes into force on 5th December 2024.

(3) This Order extends to England and Wales.

PART 2

Amendment of the Dangerous Dogs Exemption Schemes (England and Wales) Order 2015

Amendment of the Dangerous Dogs Exemption Schemes (England and Wales) Order 2015

2.—(1) The Dangerous Dogs Exemption Schemes (England and Wales) Order 2015(**b**) is amended as follows.

(2) In article 4 (exemption scheme conditions and requirements)—

(a) in paragraph (2)—

(**a**) 1991 c. 65; section 1(6A) was inserted in relation to England and Wales by section 107(2) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(**b**) S.I. 2015/138, amended by S.I. 2023/1407.

(i) in sub-paragraph (a), for "6" substitute "6(1)";

(ii) in sub-paragraph (b), for "7" substitute "7(1)";

(b) in paragraph (3), for "6 to 9" substitute "6(1), 7(1), 8 and 9".

(3) For article 6 (neutering) substitute—

"**6.**—(1) A dog that is to be exempted from the prohibition in section 1(3) of the Act must be neutered by a veterinary surgeon unless—

(a) the dog is already neutered to the satisfaction of the Agency(**a**); or

(b) in the case of a dog that is of the type known as the XL Bully, it was less than 16 months old on the date on which the court made the contingent destruction order under section 4A or 4B of the Act(**b**) in respect of the dog.

(2) Where a certificate of exemption is issued under article 9(1) in respect of a dog to which paragraph (1)(b) applies, the holder of the certificate of exemption must ensure that the dog is neutered by a veterinary surgeon on or before the date on which the dog is 18 months old.

(3) In this article—

"neutered" means—

(a) in relation to a male dog, castrated;

(b) in relation to a female dog, spayed;

"veterinary surgeon" means a person registered in the register of veterinary surgeons or the supplementary veterinary register kept under the Veterinary Surgeons Act 1966(**c**). ".

(4) For article 7 (microchipping) substitute—

"**7.**—(1) A dog that is to be exempted from the prohibition in section 1(3) of the Act must be implanted with a microchip unless—

(a) the dog is already microchipped to the satisfaction of the Agency; or

(b) the Agency is satisfied that the dog was unfit to be microchipped on the date on which the court made the contingent destruction order under section 4A or 4B of the Act in respect of the dog.

(2) Where a certificate of exemption is issued under article 9(1) in respect of a dog to which paragraph (1)(b) applies, the holder of the certificate of exemption must ensure that the dog is implanted with a microchip within the period of 28 days beginning with the day on which the dog first becomes fit to be microchipped.

(3) For the purposes of paragraph (1)(b), a dog is only unfit to be microchipped on the date on which the court made a contingent destruction order under section 4A or 4B of the Act in respect of the dog if a certificate has been issued under regulation 4(1) of the Microchipping of Cats and Dogs (England) Regulations 2023(**d**) or regulation 3(2) of the Microchipping of Dogs (Wales) Regulations 2015(**e**) which confirms that the dog will not be fit to be microchipped on or before that date.".

(5) In article 8 (third-party insurance)—

(a) for paragraph (1) substitute—

(**a**) For the meaning of "the Agency", see article 2 of S.I. 2015/138.

(**b**) Section 4A was inserted by section 2 of the Dangerous Dogs (Amendment) Act 1977 (c. 53) and amended in relation to England and Wales by section 106(4) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12); section 4B was inserted by section 3 of Dangerous Dogs (Amendment) Act 1977 and amended in relation to England and Wales by section 107(4) of the Anti-social Behaviour, Crime and Policing Act 2014.

(**c**) 1966 c. 36.

(**d**) S.I. 2023/468.

(**e**) S.I. 2015/1990 (W. 300).

"(1) The owner or person in charge of the dog to be exempted from the prohibition in section 1(3) of the Act must have in place a policy of insurance in respect of the dog which complies with paragraph (2).";

(b) after paragraph (1), insert—

"(1A) The owner or person in charge of a dog that is exempt under this Part from the prohibition in section 1(3) of the Act must have in place a policy of insurance in respect of the dog which complies with paragraph (2) and is renewed annually throughout the lifetime of the dog.".

(6) In article 9(1) (issue of certificate of exemption)—

(a) in sub-paragraph (b), for "£77.00 plus Value Added Tax" substitute "£92.40";

(b) in sub-paragraph (c), for "6 to 8" substitute "6(1), 7(1) and 8(1)".

(7) In article 10(1) (requirements attached to certificate of exemption)—

(a) omit sub-paragraph (d);

(b) in sub-paragraph (h)—

(i) after "to", in the second place it occurs, insert "the Agency or";

(ii) for "8" substitute "8(1A)";

(iii) for "that person" substitute "the Agency or that person (as the case may be)";

(c) at the end of sub-paragraph (i) insert—

";

(j) where applicable, to satisfy the Agency that the requirement in article 6(2) has been met in respect of the dog;

(k) where applicable, to satisfy the Agency that the requirement in article 7(2) has been met in respect of the dog".

(8) In Part 3 (substitution of person in charge of dog exempted under Part 2)—

(a) in the heading, for "Dog Exempted under Part 2" substitute "an Exempted Dog";

(b) for article 12 (conditions for substitution of person in charge of exempted dog) substitute—

"**12.** A person may apply to a magistrates' court to be substituted as the person in charge of a dog if—

(a) the dog is exempt from the prohibition in section 1(3) of the Act by virtue of a certificate of exemption issued under Part 2 of this Order or Part 3 of the Dangerous Dogs (Compensation and Exemption Schemes) (England and Wales) Order 2023(**a**) (in this Part referred to as "the original certificate of exemption"); and

(b) the person to whom that certificate of exemption has been issued is unable to continue to be in charge of the dog by reason of—

(i) the death of that person; or

(ii) the serious illness of that person.".

(c) in article 13 (procedure for application)—

(i) in paragraph (2)(b)—

(aa) in paragraph (i), for "12(a)" substitute "12(b)(i)";

(bb) in paragraph (ii), for "12(b)" substitute "12(b)(ii)";

(ii) in paragraph (2)(c)(i), for "12(a) or 12(b)" substitute "12(b)(i) or (ii)";

(**a**) S.I. 2023/1204, amended by S.I. 2024/721.

(d) in article 14(e) (details to be given to the police), after "the", in the second place it occurs, insert "original";

(e) in article 16 (effect of making an application)—

(i) renumber the existing text as paragraph (1);

(ii) in paragraph (1)(a)—

(aa) in paragraph (i), for "12(a)" substitute "12(b)(i)";

(bb) in paragraph (ii), for "12(b)" substitute "12(b)(ii)";

(iii) in paragraph (1)(b), omit the words from "until" to the end;

(iv) after paragraph (1) insert—

"(2) The dog continues to be exempt from the prohibition in section 1(3) of the Act by virtue of the original certificate of exemption until—

(a) such time as the application has been determined and the court has not granted the application pursuant to article 15; or

(b) where the application has been granted pursuant to article 15, such time as the Agency has issued a certificate of exemption to the applicant under article 18 or, where applicable, the court has otherwise directed.";

(f) in article 18(1)(b) (issue of certificate of exemption to the applicant), for "£77.00 plus Value Added Tax" substitute "£92.40".

(9) In article 22(1)(a) (interim exemption scheme conditions and requirements)—

(a) in paragraph (i), for "in accordance with article 6" substitute "within the meaning given in article 6(3)";

(b) in paragraph (ii), for "microchipped in accordance with article 7" substitute "implanted with a microchip";

(c) in paragraph (iii)—

(i) for "obtained" substitute "in place";

(ii) for "8" substitute "8(1A)".

PART 3

Amendment of the Dangerous Dogs (Compensation and Exemption Schemes) (England and Wales) Order 2023

3.—(1) The Dangerous Dogs (Compensation and Exemption Schemes) (England and Wales) Order 2023(**a**) is amended as follows.

(2) In article 7(c) (certificate of exemption)—

(a) omit sub-paragraph (iv);

(b) in sub-paragraph (viii)—

(i) after "to", in the second place it occurs, insert "the Secretary of State or";

(ii) for "that person" substitute "the Secretary of State or that person (as the case may be)".

(3) In article 9(2) (neutering), in the definition of "relevant date", for paragraph (b) substitute—

"(b) in relation to a dog that was at least 7 months old but less than 12 months old on the appointed day(**b**), 31st December 2024;

(**a**) S.I. 2023/1204, amended by S.I. 2024/721.

(**b**) The "appointed day" is 31st January 2024 (see article 2 of S.I. 2023/1204).

(c) in relation to a dog that was less than 7 months old on the appointed day, 30th June 2025.".

PART 4

Amendment of the Dangerous Dogs (Exemption Schemes and Miscellaneous Provisions) (England and Wales) Order 2023

4.—(1) The Dangerous Dogs (Exemption Schemes and Miscellaneous Provisions) (England and Wales) Order 2023(**a**) is amended as follows.

(2) In article 5(c) (certificate of exemption)—

(a) omit sub-paragraph (v);

(b) in sub-paragraph (ix)—

(i) after "to", in the second place it occurs, insert "the Secretary of State or";

(ii) for "that person" substitute "the Secretary of State or that person (as the case may be)".

Hayman of Ullock
Parliamentary Under-Secretary of State
12th November 2024 Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Dangerous Dogs Exemption Schemes (England and Wales) Order 2015 (S.I. 2015/138) ("the 2015 Order"), the Dangerous Dogs (Compensation and Exemption Schemes) (England and Wales) Order 2023 (S.I. 2023/1204) and the Dangerous Dogs (Exemption Schemes and Miscellaneous Provisions) (England and Wales) Order 2023 (S.I. 2023/1407).

Article 2 amends Part 2 of the 2015 Order which sets out an exemption scheme in relation to the types of dog to which section 1 of the Dangerous Dogs Act 1991 (c. 65) ("the Act") applies and enables the owner or person in charge of such a dog to apply for a certificate of exemption where the court has made a contingent destruction order under section 4A or 4B of the Act. Article 2(3) disapplies the condition currently in article 6 of the 2015 Order, which requires a dog to be neutered as a pre-condition of exemption, in relation to a dog of the XL Bully type which was less than 16 months old when the contingent destruction order in respect of the dog was made. Article 2(4) disapplies the condition currently in article 7 of the 2015 Order, which requires a dog to be implanted with a microchip as a pre-condition of exemption, in relation to a dog that was unfit to be implanted with a microchip when the contingent destruction order in respect of the dog was made. New requirements are inserted in articles 6, 7 and 10 of the 2015 Order requiring such a dog to be neutered or implanted with a microchip within certain periods after the certificate of exemption in respect of the dog has been issued under article 9 of the 2015 Order.

Article 2(6) and (8)(f) amends articles 9(1) and 18(1) of the 2015 Order to re-state the fee payable in respect of applications for a certificate of exemption under Parts 2 and 3 of the 2015 Order. The reference in each case to £77.00 plus Value Added Tax is replaced with an overall figure of £92.40 which represents the total amount of fee which is currently payable.

Article 2(7) amends the requirements in article 10 of the 2015 Order in relation to third-party insurance. Articles 3(2) and 4(2) make similar amendments to article 7 of the Dangerous Dogs (Compensation and Exemption Schemes) (England and Wales) Order 2023 and article 5 of the Dangerous Dogs (Exemption Schemes and Miscellaneous Provisions) (England and Wales) Order 2023 as regards the exemption schemes in those Orders. The new requirements require the holder

(**a**) S.I. 2023/1407, to which there are amendments not relevant to this Order.

of a certificate of exemption to provide confirmation to the Secretary of State of compliant third-party insurance within five days of being requested to do so.

Article 2(8) extends Part 3 of the 2015 Order to dogs of the XL Bully type which are exempt under Part 3 of the Dangerous Dogs (Compensation and Exemption Schemes) (England and Wales) Order 2023, to allow a new person to apply to be in charge of such a dog where the registered keeper of the dog dies or becomes seriously ill.

Article 2(9) makes minor amendments to Part 4 of the 2015 Order.

Article 3(3) amends article 9(2) of the Dangerous Dogs (Compensation and Exemption Schemes) (England and Wales) Order 2023 in relation to XL Bully dogs that were less than 7 months old on 31st January 2024. It extends the date by which the owners of such dogs who have been issued with a certificate of exemption under that Order must provide the Secretary of State with confirmation that their dog has been neutered to 30th June 2025.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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£8.14

http://www.legislation.gov.uk/id/uksi/2024/1149

ISBN 978-0-34-826562-0

