EXPLANATORY MEMORANDUM TO

THE DANGEROUS DOGS (FEES) (ENGLAND AND WALES) ORDER 2013

2013 No. 1302

1. This explanatory memorandum has been prepared by the Department for Environment Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments

2. Purpose of the instrument

To increase the fee payable to the Index of Exempted Dogs for placing a dog on the Index that is exempt from the general prohibition on certain types of dogs.

3. Matters of special interest to the Joint Committee on Statutory Instruments

The costs have been reviewed and recalculated in line with Treasury Guidelines and will be further reviewed every three years. The fee payable has not been increased since 1997, hence the above inflation increase in this Order.

4. Legislative Context

This Order is made in exercise of the powers conferred by section 4(1) (c) of the Dangerous Dogs (Amendment) Act 1997.

5. Territorial Extent and Application

This instrument applies to England and Wales.

6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

The previous fee (£20 + VAT) had not been reviewed since 1997 and did not reflect the true cost of administering the Index. The revised fee (£77 + VAT) covers the administrative costs and reduces the cost to the public purse of subsidising the Index.

8. Consultation outcome

The proposal to increase the fee was included as part of a wider consultation on tackling irresponsible dog ownership, held last year. Increasing the fee attracted 14,818 responses. Of these, 53% agreed with the proposal and 47% disagreed. Typical arguments in support of the proposal were that: it would help weed out irresponsible owners; cover costs; and discourage people from keeping such dogs in the first place. Arguments against increasing the fee to £77 + VAT were: that people on low income may not be able to pay; too many other costs (e.g. compulsory microchipping); lead to more abandoned dogs; and was still too cheap and did not cover all costs. A separate consultation was carried out in Wales on this particular issue. 8 responses were received. Of these, two agreed and six disagreed.

9. Guidance

Anyone who obtains a court order allowing their dog to be entered onto the Index of Exempted Dogs (subject to meeting the criteria) will be advised of the new cost. We will also inform the police of the new cost so they can inform the owners of such dogs with whom they come into contact. It is difficult to provide advance notification to owners of such dogs because the dogs are prohibited until exempted by the court and the Index. So owning a dog that is not already on the Index is illegal.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring & review

The policy, including the rate of the fee, will be reviewed in three years time.

13. Contact

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