CHAP. 56.

An Act to provide further Protection against Dogs. A.D. 1871.

[24th July 1871.]

WHEREAS it is expedient that further protection should be provided against dogs:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Stray dogs may be detained and sold or destroyed.

1. From and after the passing of this Act any police officer or constable may take possession of any dog that he has reason to suppose to be savage or dangerous straying on any highway, and not under the control of any person, and may detain such dog until the owner has claimed the same, and paid all expenses incurred by reason of such detention.

Where the owner of any dog taken possession of by any constable is known, a letter, stating the fact of such dog having been taken possession of, shall be sent by post or otherwise to the owner at his usual or last known place of abode.

When any dog taken in pursuance of this Act has been detained for three clear days where the owner is not known as aforesaid, or for five clear days where he is so known, without the owner claiming the same, and paying all expenses incurred by its detention, the chief officer of police of the district in which such dog was found may cause such dog to be sold or destroyed.

Any moneys arising from the sale of any dogs in pursuance of this section shall be paid to the account of the local rate, and be applied to the purposes to which that rate is applicable.

All dogs detained under this section shall be properly fed and maintained at the expense of the local rate.

Dangerous dogs may be destroyed.

2. Any court of summary jurisdiction may take cognizance of a complaint that a dog is dangerous, and not kept under proper control, and if it appears to the court having cognizance of such

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complaint that such dog is dangerous, the court may make an order in a summary way directing the dog to be kept by the owner under proper control or destroyed, and any person failing to comply with such order shall be liable to a penalty not exceeding twenty shillings for every day during which he fails to comply with such order.

Restriction upon dogs being at large if danger from mad dogs is apprehended.

3. The local authority may, if a mad dog or a dog suspected of being mad is found within their jurisdiction, make, and when made vary or revoke, an order placing such restrictions as they think expedient on all dogs not being under the control of any person during such period as may be prescribed in such order throughout the whole of their jurisdiction, or such part thereof as may be prescribed in such order.

Any person who acts in contravention of any order made in pursuance of this section shall be liable to a penalty not exceeding twenty shillings.

Due notice of such order shall be published at the expense of the local rate.

The provisions in this Act contained as to the detention and sale or destruction of dogs found straying on the highway shall apply to dogs found at large in contravention of any order made in pursuance of this section.

Penalty how to be recovered.

4. In England and Ireland any penalty under this Act may be recovered in manner provided by the Summary Jurisdiction Acts, and in Scotland all such penalties shall be prosecuted and recovered before a court of summary jurisdiction, under the provisions of the Summary Jurisdiction Act, 1864.

Definition of terms.

5. In this Act,—

For the purposes of this Act and in reference to the districts mentioned in the first column of the schedule annexed hereto, "local authority" and "local rate" mean the bodies of persons mentioned in the second column and the rate mentioned in the third column of the said schedule:

"Summary Jurisdiction Acts" mean as follows:

As to England, the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance "of the duties of justices of the peace out of sessions within "England and Wales with respect to summary convictions "and orders," and any Acts amending the same;

As to Scotland, "The Summary Procedure Act, 1864;"

As to Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the

peace for such district, or of the police of such district; and elsewhere in Ireland, "The Petty Sessions (Ireland) Act, 1851," and any Act amending the same:

"Court of summary jurisdiction" means, in England and Ireland, any two justices of the peace or any metropolitan stipendiary or other magistrate empowered by law to do alone or with others any act authorised to be done by more than one justice of the peace; and in Scotland, any justice or justices of the peace, sheriff or sheriff substitute, police or other magistrate, or officer, by whatever name called, to whom jurisdiction is given, or proceedings before whom may be regulated, by the Summary Jurisdiction Acts or any Acts therein referred to:

The expression "police district" means,—

In England,—

1. The city of London and the liberties thereof;
2. The metropolitan police district;
3. Any county, riding, part, division, or liberty of a county, borough, city, town, place, or union, or combination of places maintaining a separate police force; and all the police under one chief constable shall be deemed to constitute one force for the purposes of this definition:

In Scotland,—

Any area maintaining a separate police force, and all the police under one chief constable shall be deemed to constitute one force for the purposes of this definition:

In Ireland,—

1. The police district of Dublin metropolis;
2. Any district, whether city, town, or country, over which is appointed a sub-inspector of the Royal Irish Constabulary:

The expression "chief officer of police" means,—

In England,—

1. In the city of London and the liberties thereof, the Commissioner of City Police;
2. In the metropolitan police district, the Commissioner of Police of the Metropolis;
3. Elsewhere, the chief constable, or head constable, or other officer, by whatever name called, having the chief command of the police in the police district in reference to which such expression occurs:

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In Scotland,—

The chief constable, superintendent of police, or other officer, by whatever name called, having the chief command of the police in the police district in reference to which such expression occurs:

In Ireland,—

1. In the police district of Dublin metropolis, either of the commissioners of police for the said district;
2. In any other police district, the sub-inspector of the Royal Irish Constabulary:

Any act or thing by this Act authorised to be done by the chief officer of police may be done by any person authorised by him in that behalf:

"Highway" includes any street or any place of public resort.

Saving of Local Acts and of sect. 18 of 30 & 31 Vict. c. 134.

6. This Act shall not affect the powers contained in the eighteenth section of the Metropolitan Streets Act, 1867, or in any local or other Act of Parliament for the same or like purposes; and in places where any such local or other Act is in force, proceedings may be taken under such local or other Act, or under this Act, as may be deemed expedient.

Short title.

7. This Act may be cited as "The Dogs Act, 1871."

SCHEDULE.

ENGLAND.

District of Local Authority.	Description of Local Authority.	Local Rate.
City of London and the liberties thereof.	The Commissioner of City Police	The rate applicable to maintenance of police.
Metropolitan police district -	The Commissioner of Police for the Metropolis.	Do.
Any borough subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for "the regulation of Municipal Cor- "porations in England and "Wales."	The mayor, aldermen, and burgesses acting by the town council.	Do.
Any district (no portion of which is included in a borough) for the time being subject to the jurisdiction of any commissioners, trustees, or other persons intrusted by any Local Act, not being a Turnpike Act or a Highway Act, with powers of improving, cleansing, or paving any part of such district.	The commissioners, trustees, or other body of persons so intrusted.	Do.
Places in England not included in the above description.	The justices in petty sessions assembled at their usual place of meeting.	Do.

SCOTLAND.

District of Local Authority.	Description of Local Authority.	Local Rate.
Burghs, Royal or Parliamentary, not subject to the separate jurisdiction of police commissioners or trustees.	The town council - -	The revenue of the burgh or any rate applicable to sewers leviable by the town council.
Burghs and places where police commissioners or trustees exercise the functions of police commissioners or trustees under any general or local Act.	The police commissioners -	Any rate leviable by the commissioners or trustees, or any fund belonging to them.
Any place in Scotland not included in the above description.	The sheriff or sheriff substitute -	The rate applicable to the maintenance of police.

IRELAND.

District of Local Authority.	Description of Local Authority.	Local Rate.
The city of Dublin - - -	The Right Honourable the Lord Mayor, aldermen, and burgesses acting by the town council - - -	The borough rate or borough fund.
Towns corporate, with the exception of Dublin.	The Mayor, aldermen, and burgesses acting by the town council - - -	
Towns having commissioners appointed by virtue of an Act made in the ninth year of the reign of George the Fourth, intituled "An "Act to make provision for the "lighting, cleansing, and watching of cities, and towns corporate and market towns in "Ireland in certain cases."	The commissioners - -	Any rate levied by the commissioners.
Towns having town commissioners under the Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict. c. 103.), or under any other Local Act.	The town commissioners -	
Townships having commissioners under Local Acts.	The township commissioners -	
Places in Ireland not included in the foregoing descriptions.	The justices of the peace for the petty sessions of the district in which such place is situate.	The grand jury cess.

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