



Stray vs abandoned dogs

This paper sets out an overview of the law concerning stray dogs and aims to go some way to providing an explanation of the difference between a stray and abandoned dog from the RSPCA's perspective.

The law

Section 149 of the **Environmental Protection Act 1990** as amended by section 68 of the **Clean Neighbourhoods and Environment Act 2005** set out the principle law and responsibilities concerning stray dogs in both England and Wales. As such councils have sole statutory responsibility for stray dogs. This is one of the few statutory responsibilities local authorities have with regard to animals.



The relevant issues to this paper are that councils must appoint an officer for the purposes of dealing with stray dogs within their area and they have powers to seize any dog found in a public place¹, or any other land or premises that they believe is a stray. Under s150 of the 1990 Act the finder of a stray dog must take the dog to the local authority in which it was found.

In addition to this there is the **Animal Welfare Act 2006** and in particular section 9 of the Act which requires councils to take all reasonable steps to ensure the welfare needs of any animals in its care are met to the extent required by good practice.

Definition of a stray dog

Unfortunately there is no definition within the principle pieces of legislation of what a stray dog is. The Defra guidance issued in 2007² states however: *"...any dog found in a public place, or private place where it should not be, which appears to be without its owner and not under the control of its owner or a person representing them, may be seized and detained as a stray dog by an appropriate person."*

Having spoken with some respected local authority officers in England there is general agreement amongst them that **whether a dog is sick, injured or apparently 'abandoned' is irrelevant, if the animal is without an owner in a public place then it is first and foremost a stray dog**³ and as such the statutory responsibility of the council. The only consideration that should be given was if the dog was dangerously out of control⁴ and then it may be the responsibility of the police.

RSPCA's position and response

From the RSPCA's perspective if a healthy dog is left tied up outside somewhere then we would class this as a stray dog. We would only consider responding to such a situation where the animal's life was in danger. If the animal has a skin infection, matted fur or minor injury then we would still class this as a stray dog and the responsibility of the local dog warden.

¹ This is defined as any highway and any other place to which the public are entitled or permitted to have access

² Defra, Guidance on Stray Dogs, October 2007

³ Pers comm with Mark Berry (Stockton Borough Council) and Mark Callis (Wandsworth Council) on 18.09.18 and Joe Clarke (Islington Borough Council) 20.09.18

⁴ As per the definition of [s10\(3\) of the Dangerous Dogs Act 1991](#)