**XL BULLY BAN**

**WHAT WE CURRENTLY KNOW**

On 10th September 2023 the Home Secretary, Suella Braverman, posted on her Twitter page:-

“*The American XL Bully is a clear and lethal danger to our communities, particularly children. We can’t go on like this. I have commissioned urgent advice on banning them*”

This was followed on 15th September 2023 by the Prime Minister, Rishi Sunak, who said he would ban the breed under the Dangerous Dogs Act 1991 “by the end of the year”. DEFRA subsequently issued a statement that evening saying that the Environment Secretary will:-

1. Convene experts to define the American XL Bully ‘in the next week’
2. The Government will then lay a Statutory Instrument to ‘add it to the list of dogs banned under the Act. This will make it an offence to own, breed, gift or sell an XL Bully’ by the end of the year

DEFRA went on to say that there will be a transition period requiring owners to ‘come forward’ and that details of this will be provided ‘in due course’.

The UK’s Chief Veterinary Officer, Christine Middlemiss, is quoted on the BBC as saying on 16th September 2023 that the transition (which she called an “amnesty”) will require owners to register their dogs and take action including requiring the dog to be neutered, on a lead and muzzled in public, as well a requirement for the dog to be insured.

It's hard to be too precise about the next steps but the following is our ‘best guess’, pending further Government announcements:-

Q) Do owners of XL Bullies have to do anything now?

A) No, but it would be advisable to get your dog used to wearing a muzzle, as well as to get it trained, neutered, and insured.

N.B. When your dog is neutered, please ask the vet to make a record of your dog’s microchip number. For insurance it is likely to be third-party liability insurance required, not healthcare.

Q) How do I know if my dog is going to be on the banned list?

A) We shall have to wait to see the definition that is adopted.

Q) How can I get my dog exempted?

A) We’re not sure yet, but it seems as though it’ll be by an owner-led registration scheme which will probably require you to complete an application form, provide evidence of compliance with the conditions and pay for the details to be on the Index of Exempted Dogs.

Q) What if someone misses the deadline to have the dog exempted?

A) The owner (+ if different the person in charge of the dog) will be committing an offence punishable by a prison sentence of up to 6 months and/or an unlimited fine. The dog will be seized by the Police and there is likely to be a presumption that it shall be put down unless you can prove that it is not a danger to public safety. You may also be required to prove that there was good reason why you failed to comply with the amnesty.

Q) What will be the conditions.

A) If it follows the current position for an exempted dog, the requirements will be:-

* The dog is neutered
* The dog is microchipped
* Third party insurance is obtained (+ continues to be in force)
* A certificate of exemption is issued
* Keep the dog at the same address as the registered keeper except for up to 30 days in 12 months
* Notify the Agency of any change of address
* Notify the Agency of the death or export of the dog
* Keep the dog muzzled and on a lead when in a public place
* Keep the dog in sufficiently secure conditions to prevent its escape

Breach of any of these conditions will mean that the dog is no longer exempted.

Q) What are the offences likely to be?

A)

* Having possession or custody of the dog if it has not been exempted within the amnesty period
* To breed (or breed from) the dog
* To sell or exchange the dog
* To make or offer to make a gift of the dog
* Allow the dog to be in a public place without being muzzled and kept on a lead
* Abandon the dog or allow it to stray

Q) Will a rescue be able to rehome an XL Bully?

A) When the ban comes into force, unless the existing rules are changed, a rescue won’t be able to rehome an XL Bully unless it is going to someone who already has or has had responsibility for the dog, and in any event this would have to be approved by a Court.

This summary was produced on 16th September 2023 but this is a fast changing situation so you must not rely on it as legal advice.