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**Risk control**  
The American XL Bully



In partnership with



# Risk Control

## The American XL Bully

### Introduction

The Dangerous Dogs Act 1991 (the Act)<sup>1</sup> was enacted in response to a spate of dog attacks in the UK. The Act aimed to regulate the ownership and control of certain breeds of dogs that were deemed to be dangerous.

Since its inception, the Act has had a number of dog breeds added to it, including the Pit Bull Terrier, Japanese Tosa, Dogo Argentino and the Fila Brasileiro. The American XL Bully is the latest breed to be added to the list of banned dogs in the UK.

### The American XL Bully

Following an increase in the number of fatal dog attacks involving the American XL Bully, the UK Government put forward amendments to add the breed to the Act.

Legislation came into power in late December 2023 making it illegal to breed, sell, advertise, rehome abandon or allow an American XL Bully to stray.

On the 1<sup>st</sup> of February 2024 it became illegal to own an American XL Bully unless it was registered on the index of exempt dogs and was kept in accordance with the conditions of the exemption<sup>2</sup>.

The sudden increase in the numbers of strays being picked up by Local Authorities poses issues to the organisations, especially if those strays being picked up are of questionable or indeterminant breeding.

It is now illegal to release or rehome a dog that is believed to be of a banned breed regardless of whether it is aggressive. However, issues sometimes arise when trying to identify a dog as a certain breed as the legislation refers to a breed type and requires a trained person to formally identify the dog using the breed standard and experience<sup>3,4</sup>.

Local Authorities have a statutory duty set out in the Environmental Protection Act 1990 to appoint an officer for the purpose of discharging its duties for collecting strays reported or handed in by members of the public<sup>4</sup>. The Local Authority can delegate this function to another person but remains responsible for ensuring that the function is properly discharged.

Local Authorities and Police Forces have the power to seize and detain any dog believed to be a stray or if it appears to them to be a dog to which the Act applies on public land<sup>2</sup>. In the case of private land, the Local Authority needs the permission of the landowner to seize any stray dog. Once detained, the Local Authority has a duty to try and identify and serve notice on the owners of the detained dog.

The addition of the American XL Bully to the list of banned dog breeds is likely to have led to an increase in the number of reported strays being held in kennels in many Local Authority areas<sup>4</sup>.

Local Authority contracted kennel owners are reported to have a large number of dogs of questionable breeding in their care. If these dogs are not registered or formally identified as not being of a dangerous dog breed by a qualified Dog Legislation Officer or suitably qualified individual, these dogs cannot be released to their owners or rehomed.

### Health and Safety Regulations

The Health and Safety at Work Act 1974<sup>6</sup> sets out duties which the employer (the Local Authority) has which require them to ensure so far as reasonably practicable the health, safety and welfare of those in his employment and also those who are not under their employment but may be affected by their undertakings.

### The Management of Health and Safety at Work Regulations

The Management of Health and Safety at Work Regulations<sup>7</sup> require the employer to make suitable and sufficient assessment of the risks to the health and safety of both employees and persons not in his employment who may be affected by his undertakings. The addition of the XL Bully to the Act should not require existing risk assessments to be adjusted as existing mitigation measures in place for other banned breeds will be similar for the XL Bully.

### Common Issues

Local Authorities are facing excessive kennelling fees due to delays in getting dogs which are suspected of being of a banned breed identified by Dog Legislation Officers<sup>5</sup>.

Potential solutions would include having access to a suitably qualified person who can make the legal identification of the dog's breed.

Establishing arrangements with a local Police Force to access the services of the Dog Legislation Officer would also be beneficial in expediting the identification process.

Alternatively, the Local Authority can apply to the courts after the eighth day of holding the dog for a destruction order if the owner has not been identified.

## Key Points

- The addition of the American XL Bully does not change the statutory duty's already in place for Local Authorities or the Police
- Risk assessments, safe systems of work and associated procedures for identifying and managing dangerous dog breeds should be regularly reviewed to ensure that they are current and fit-for-purpose
- Training for staff handling and managing dogs should be refreshed at regular frequencies

## Conclusions

Local Authorities in the UK have significant legal responsibilities when it comes collecting, homing, and disposing of dogs.

Only qualified Dog Legislation Officers or suitably qualified individuals can formally identify dangerous dog breeds, and so it is essential that Local Authorities maintain access to these resources to ensure efficient and effective processes are in place to identify dangerous dog breeds and manage them in accordance with legal requirements.

Local Authorities need to ensure the health and safety of employees who manage dangerous dog breeds, as well as the safety of those who may encounter the service during its undertaking.

## References

1. [Dangerous Dogs Act 1991 \(legislation.gov.uk\)](https://legislation.gov.uk)
2. [Dangerous Dog Offences | The Crown Prosecution Service \(cps.gov.uk\)](https://cps.gov.uk)
3. [Applying the XL Bully breed type conformation standard \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)
4. [Dog Control and Welfare - Guidance to Police and Local Authorities Dec 2 .pdf](#)
5. [Dangerous Dogs Law - Guidance for Enforcers \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)
6. [Dangerous Dog Offences | The Crown Prosecution Service \(cps.gov.uk\)](https://cps.gov.uk)
7. [Health and Safety at Work etc. Act 1974 \(legislation.gov.uk\)](https://legislation.gov.uk)
8. [The Management of Health and Safety at Work Regulations 1999 \(legislation.gov.uk\)](https://legislation.gov.uk)

## Further information

For access to further RMP Resources you may find helpful in reducing your organisation's cost of risk, please access the RMP Resources or RMP Articles pages on our website. To join the debate follow us on our LinkedIn page.

## Get in touch

For more information, please contact your broker, RMP risk control consultant or account director.

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