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RACING DOG PROTECTION ACT 2009

DRAFT

Racing Dog Protection Act 2009

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Racing Dog Protection Act 2009

An Act to make provision about racing with dogs; to prohibit the commercial element (betting on the outcome of the races).

PART 1

OFFENCES

1. Commercial racing with dogs

A person commits an offence if involved in any of the ways described in section 3 with commercial dog racing. Commercial dog racing is defined as the racing of dogs where any form of betting or wagering on the speed or ability of dogs occurs.

2. Exempt dog racing

Dog racing is exempt if it is non-commercial, meaning that there is no gambling on any aspect of the race and that no one stands to make a profit from the dogs in any way.

3. Commercial dog racing: assistance

A person commits an offence if he or she:

- (a) attends a commercial dog racing event,
- (b) knowingly facilitates a commercial dog racing event,
- (c) knowingly permits land which belongs to him to be entered or used in the course of commercial dog racing,
- (d) knowingly permits a dog which belongs to him to be used in commercial dog racing,
- (e) owns a dog for the purpose of racing it commercially,
- (f) enters a dog for a commercial race event,
- (g) permits a dog to be entered into a commercial dog race,
- (h) controls or handles a dog in the course of or for the purposes of a commercial dog race,
- (i) trains a dog which is then used in commercial dog racing,
- (j) sells a dog which is then used in the course of commercial dog racing,

- (k) knowingly breeds a dog for the purposes of being used in commercial dog racing,
- (l) knowingly kenneling a dog which will then be used for commercial dog racing,
- (m) approves any application or request for racing dates for dog racing.

4. Dog racing: defence

It is a defence for a person charged with an offence under section 1 in respect of commercial dog racing to show that he reasonably believed that the commercial dog racing was exempt

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PART 2

ENFORCEMENT

5. Penalty

A person guilty of an offence under this Act shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale. Repeat offenders shall be liable, at the discretion of the court, to a prison sentence of up to 2 years.

6. Arrest

A constable without a warrant may arrest a person whom he reasonably suspects—

- (a) to have committed an offence under part 1,
- (b) to be committing an offence under any of those provisions, or
- (c) to be about to commit an offence under any of those provisions.

7. Search and seizure

- 1) This section applies where a constable reasonably suspects that a person (“the suspect”) is committing or has committed an offence under Part 1 of this Act.
- 2) If the constable reasonably believes that evidence of the offence is likely to be found on the suspect, the constable may stop the suspect and search him.
- 3) If the constable reasonably believes that evidence of the offence is likely to be found on or in a vehicle, of which the suspect appears to be in possession or control, the constable may stop and search the vehicle.
- 4) A constable may seize and detain a vehicle if he reasonably believes that—
 - (a) it may be used as evidence in criminal proceedings for an offence under Part 1 of this Act.
- 5) For the purposes of exercising a power under this section a constable may enter—
 - (a) land;
 - (b) premises other than a dwelling;
 - (c) a vehicle.

- 6) The exercise of a power under this section does not require a warrant.

8. Forfeiture

- 1) A court which convicts a person of an offence under Part 1 of this Act may order the forfeiture of any dog or associated articles which—
- (a) was used in the commission of the offence, or
 - (b) was in the possession of the person convicted at the time of his arrest.
 - (c) In subsection (1) “associated article” means anything designed or adapted for use in connection with commercial dog racing
- 2) A forfeiture order—
- (a) may include such provision about the treatment of the dog, vehicle or article forfeited as the court thinks appropriate, and
 - (b) subject to provision made under paragraph (a), shall be treated as requiring any person who is in possession of the dog, vehicle or article to surrender it to a constable as soon as is reasonably practicable.
- 3) A person commits an offence if he fails to—
- (a) comply with a forfeiture order, or
 - (b) co-operate with a step taken for the purpose of giving effect to a forfeiture order.

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PART 3

GENERAL

9. Interpretation

- 1) For the purposes of this Act dog racing is described as follows. It typically involves dogs chasing a *lure* (traditionally an artificial hare or rabbit) on a track until they arrive at the finish line. The one that arrives first is the winner.
- 2) For the purposes of this Act a dog belongs to a person if he—
 - (a) owns it,
 - (b) is in charge of it (including as a trainer), or
 - (c) has control of it.

10. Subordinate legislation

An order of the Secretary of State under this Act—

- (a) shall be made by statutory instrument,
- (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament,

11. Commencement

This Act shall come into force at the end of the period of twelve months beginning with the date on which it is passed.

12. Short title

This Act may be cited as the RDPA.

13. Extent

This Act shall extend to all of the United Kingdom.