



# Emergency boarding of pets belonging to people who have been hospitalised

*Ensuring animals have a good life by advocating on their behalf*

## Key facts...

- ★ Local authorities have a duty under legislation in England and Wales to make provision for the protection of property (which includes pets) of people within their area who are taken into hospital.
- ★ This means they must board and care for those animals unless or until there are friends or relatives of the person who can do this.
- ★ When making provision for this they must ensure any provider, e.g. cattery, kennel, etc is licensed and complies with the Animal Welfare Act 2006.
- ★ Some organisations may be able to offer assistance but it is best to contact and develop a working relationship with them beforehand rather than at the last minute.

## Legal situation

Until 2014 section 48 of the [National Assistance Act 1948](#) has provided for local authorities to make provision for the protection of property (e.g. pets) of people who are taken into hospital. This means they must board and care for those animals unless or until there are friends or relatives of the person who can do this.



However the [Care Act 2014](#) amended this piece of legislation in England and the 1948 Act has been disapplied. In particular the [Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015](#) amends the legislation. As such the 2014 Act tweaks the provisions of the 1948 Act in this context and as long as the individual is resident within the local authority's area then the local authority should provide provision for the protection of the property of someone who is hospitalised. In this case pets are classed as property. In Wales the [Social Services and Wellbeing \(Wales\) Act 2014](#) - under section 58 - states that a local authority should provide provision for an individual ordinarily resident in the area, or with no settled residence but based within the council area.

Local authorities (e.g. upper tier and unitary) in England and Wales therefore **have a duty to take into their care any pets that cannot be cared for by family or relatives** (or where there are no family or relatives to assist). They have a duty under the [Animal Welfare Act 2006](#) (AWA) to **ensure the welfare needs of those animals are met** whilst they are responsible for them (even if this only on a temporary basis). Reasonable costs may be recovered.

If the person subsequently dies whilst the animals are in their care the person's property (which includes his/her animals) forms part of the deceased's estate. The executors or close relatives of a person should be consulted by the local authority to discuss the future arrangements for the pets in their care and to agree this with the deceased's executors or close relatives. They may be able to make alternative arrangements for the pets until it is determined whether the deceased made provision in their will for them.

For further information or if you have any questions please contact: [politicalaffairs@rspca.org.uk](mailto:politicalaffairs@rspca.org.uk)

Where no one comes forward to administer the estate (within six months) the local authorities can apply themselves which would allow them to dispose of the deceased's possessions. If the local authority decides not to, then the estate passes to the Crown (Treasury Solicitor) and they have a process for disposing of possessions where the estate is worth £500 - £2,000.

### Can local authorities get assistance from others?

Unfortunately **the RSPCA cannot assist with this**, although in some cases it may be possible to assist with transporting animals to a specific location. In addition there may be other charities and organisations who can assist for example the [Cinnamon Trust](#). However, **do not leave it until the last minute to contact others for help**, or expect them to fulfill the statutory duty. It is important to develop a good working relationship beforehand.



There are a number of things local authorities should consider to ensure they are prepared should the situation arise:

- *Is there a local vet who can assist if needed?*  
It is worth making contact and agree a working relationship with a local vet practice.
- *Are there licensed kennels, cattery or somewhere that can take other types of animals, e.g. rabbits, exotics, etc?*  
Again it is worth identifying one or a number beforehand.
- *Does the officer/team have appropriate carriers/containers and transport for such animals?*  
If not can they be accessed? Who could provide it?
- *Are the officers who deal with these situations comfortable and trained in handling animals?*  
If not where can assistance be provided?

### What is considered good practice?

Where an individual is likely to be, or has been hospitalised and has a pet/s that need caring for, firstly find out if they have any friends or family who could assist and take care of the animal/s. If there is no one available or this is impossible then the local authority may be able to seek help from the Cinnamon Trust in some cases (or another animal welfare organisation), otherwise the local authority will have to make provision for boarding/caring for the animals themselves.

Whatever provisions are made for the animals **it is imperative that the local authority ensures the welfare needs of the animals are provided for during the time they are in their care** (whether it is sub-contracted out or not).