



How to deal with animal/s belonging to people evicted from a property or where a repossession occurs (in England and Wales)

As a starting principle, we believe that landlords should allow tenants to keep pets unless there are legitimate and reasonable reasons not to. However, we recognise that there are situations where landlords must evict tenants, which can be challenging where there are pets at the property too.

This guide aims to set out the key issues, landlords, bailiffs, repossession agencies, etc should consider when this process is in motion. It has been produced in consultation with Leeds City Council.

Tenants normally have fair warning when eviction notices are issued and should make arrangements for themselves and any pets they have. However, landlords should also have arrangements in place too at an early stage to (i) ascertain the presence of animal/s at the property and (ii) have a plan in place for the pet/s if they are left behind. We encourage all concerned to make arrangements for any pet/s within the property prior to eviction.

Despite it being illegal to abandon an animal under the Animal Welfare Act 2006 some tenants do leave pets behind. Under common law animals are classed as chattels and landlords, bailiffs, repossession agencies, etc should protect that property (which includes any animal/s). You should have clear procedures set out by your organisation, however if not the information below should help you to make provision for any animal/s concerned.

It is essential that when you enter the property you determine the presence of any animal/s and the state of their health and welfare, i.e. do they need veterinary attention? It is important to remember that not all animals/pets may be easily viewable. While some animals/pets may be seen in the property, e.g. dog, or signs of others, e.g. cat litter tray, vivariums/tanks, others such as rabbits or birds may be kept in gardens or outhouses.

You should give the owners of the animal/s opportunities to return to the property within 24 hours of eviction if they cannot make immediate arrangements for them. You cannot simply change the locks on the property and leave any animals inside, as if those animals suffer you may become liable for any prosecutions under the Animal Welfare Act 2006.

Where the owners cannot be reached or have already left and the animal/s have been discovered then the landlord, or agents must make provision for those animal/s. Initially, this may mean ensuring there is food and water for the animals on the property, or if the animal/s are ill or injured then they must be taken to the vet.

For certain non-domesticated/exotic species¹, there are also legal restrictions around the keeping, transportation and/or commercial use (e.g. display to paying customers) of animals and so checks must be made to ensure animals are handled legally.

While it can be difficult to plan for such situations landlords, bailiffs, repossession agencies, etc must have positive policies and procedures for ensuring the welfare of a range of animals can be adequately protected. People do not just keep cats and dogs as pets, but a wide variety including rabbits, fish, reptiles, birds, exotic mammals, equines, and invertebrates such as spiders, etc.

Can the RSPCA assist?

Firstly, the RSPCA has no legal powers or statutory duties to remove any animal/s from a property due to an eviction process.

We have around 350 officers covering England and Wales. Due to limited resources, they must prioritise cases involving animals most in need. Our ability to assist is determined by the volume of cruelty and neglect incidents in a given area. When our local officers are at capacity, they rely on the support of partners and the public to help animals in need. If you need advice on specific issues or animals then please do call our cruelty line 0300 1234 999 and a local officer can call you back (although please note this will not be immediately).

If you come across animal/s, the whereabouts of their owners are unknown, and you are concerned they have been treated cruelly or are suffering, firstly take the animals to a local vet for assessment and if the vet is willing to provide a statement of suffering please do report these concerns to our cruelty line at 0300 1234 999. The costs of any veterinary consultation and subsequent treatment will remain yours unless the RSPCA has confirmation from a vet that the animal is suffering.

If you find animals, you believe may belong to the tenant, at a property (either inside or outside) and they are not suffering then you will need to take responsibility for them and either manage them in situ (making sure they have water and food, walked where relevant, and faeces/urine cleaned) or move them to a reputable establishment (such as a kennel, or cattery that is licensed by the local authority) to ensure their care until either the owner is found and takes them, they are signed over to you, or you can rehome them.

General principles

The following points provide some general principles to note:

1. Whoever takes responsibility for the animal/s (whether that is a friend, family member, landlord, bailiff, etc) has a duty under [section 9 of the Animal Welfare Act](#)

¹ For example, anyone keeping a species listed on the [schedule to the Dangerous Wild Animals Act 1976](#) (e.g. lemurs, crocodiles, rattlesnakes) must hold the appropriate licence from their local authority, unless they are exempt (e.g. licensed zoos or licensed pet sellers). Any commercial use of species (e.g. some tortoises, parrots) listed on [Annex A](#) of GB Wildlife Trade Regulations, which having them on display to paying customers, requires [valid certificates](#) for the animals. There are also strict controls around the keeping and transportation of ['invasive alien species'](#) (e.g. red-eared terrapins).

[2006](#) to ensure the welfare needs of the animal/s are met. Failure to do so could result in a prosecution. You can find useful information about meeting the welfare needs of different animal/s [here](#). In addition, Defra has produced several statutory codes of practice for certain species of pet kept in England; as has the Welsh Government for Wales, you can find these [here](#)² and [here](#)³ respectively. In addition, there is a non-statutory code of practice produced to ensure the welfare of rabbits in England⁴. When speaking with any friends or family members please make this clear to them that this could be a long-term commitment and they must comply with the law.

2. No animal can simply be left unattended at a property without an agreed plan for the animal/s removal or care in situ. The maximum time limit an animal/s can be left unattended before suffering is likely to occur will depend on several factors, for example, age, species, health status, location, weather conditions, etc. As a guide, no animal regardless of age should be left unattended for longer than is likely to cause suffering and/or 24 hours. Every animal is an individual and so this must be considered when determining the best course of action. Be especially alert to very young, old or sick animals, in addition to those that may have already been left for a long time, as well as warm or cold weather as this will significantly reduce the time any animal can be left unattended for and animals should be removed or have care provided for sooner.
3. Mental and physical suffering can be caused by fear, loneliness, anxiety, pain, injury, disease, an unsuitable environment and a lack of access to food or water (NB, this list is not exhaustive). Some animals, for example, rodents, cats, and horses may be kept in ways which allow them to be left safely for 24 hours providing their welfare needs are met i.e. their environment is safe, they have plentiful access to water and food, the individual animal appears happy and healthy. More information about meeting the welfare needs of different species can be found on the [RSPCA's website](#). However, others will likely suffer if left alone for any period. This can include young and unweaned animals who need frequent access to food and water as well as regular monitoring. It can also include some dogs who struggle to cope when left alone displaying behaviour such as excessive vocalising or destructive behaviour. It may also include those animals who are reliant upon carefully controlled environments such as reptiles.
4. Be aware that not all animals will show obvious signs of illness or poor welfare (such as reptiles) It might not be possible to assess the suitability of the environment and facilities without some specialist knowledge or testing equipment (for example, water quality testing kits for fish). If you do have concerns about the health or welfare of animals in the property then a vet check should be arranged at the earliest opportunity. A prior agreement/relationship with local vet practices can be of value in these circumstances.

² For those based in England

³ For those based in Wales

⁴ <https://apgaw.org/the-rabbit-code/>

5. This is likely to be a stressful situation for all concerned including any animal/s. For this reason, animal/s may exhibit fear-related behaviour which, in some animals can manifest as aggression and as such careful handling of them is essential (you may find these links⁵ useful). If you are concerned about any aggressive behaviour please contact the police dog unit for assistance. At all times remember the animals are more likely to be feeling scared and anxious. Therefore it is important that anyone dealing with the animal/s remains quiet, gentle and calm and approaches them slowly, where possible. For many exotic animals, it is recommended that an expert is called in to handle and remove the animal/s.

6. What to do with an animal/s that needs to be rehomed There is a clear and simple process for this under the Torts (Interference with Goods) Act 1977. Under this legislation the landlord has responsibility for moving and transporting the pet/s, their safe 'storage' and legal disposal. Therefore it is important to have clear policies and procedures in place for doing this, including identifying reputable establishments who can care for the animals until the Torts notice expires (or the tenant gives written notice) and the animal/s can be rehomed.

For further advice or information please contact: RSPCA politicalaffairs@rspca.org.uk

⁵ Cat behaviour: <https://www.rspca.org.uk/adviceandwelfare/pets/cats/behaviour/understanding> Dog behaviour: <https://www.rspca.org.uk/adviceandwelfare/pets/dogs/behaviour/understanding> Horse behaviour: <https://www.rspca.org.uk/adviceandwelfare/pets/horses/behaviour/bodylanguage> Rabbit behaviour: <https://www.rspca.org.uk/adviceandwelfare/pets/rabbits/behaviour/understanding>