

Managing animals belonging to people arrested

(in England and Wales)



This guidance sets out the correct procedures, and the police services' legal responsibilities, when dealing with animals belonging to people arrested in England and Wales. It has been produced in consultation with representatives from the police and endorsed by the National Wildlife Crime Unit.

Please note, this document is for guidance only. We strongly recommend you check legislation to ensure you are familiar with the requirements as well as your own standard operating procedures.

- If you have any questions about this guidance, please contact the RSPCA at: politicalaffairs@rspca.org.uk

Introduction

Police services have a duty to protect the property of the individuals they arrest. Legally, the term 'property' includes animals. This means that they must arrange and pay for the board and care of those animals unless, or until, friends or relatives of the arrested individual can care for them. This requirement, and the process, is usually found in standard operating procedures.

Checks and licences

When making provision for the animals, police services must ensure any provider (e.g. cattery, kennel, etc.) is licensed and complies with the [Animal Welfare Act 2006](#).

In the case of commercial dog and cat boarding facilities, the police must also ensure that the establishments have the relevant licence from their local authority. In England, this is under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. In Wales, it is under the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021.

It is important that police services make regular checks on private boarding establishments to ensure the welfare needs of the animal(s) are being met. This includes any necessary veterinary treatment.

- You may find the RSPCA's 'The welfare of seized dogs in kennels: a guide to good practice', which applies to England and Wales, useful: politicalanimal.rspca.org.uk/documents/d/political-animal/rspca_good_practiceguide_welfare_of_seized_dogs

Exotic animals

It is recommended that police officers liaise with their local wildlife crime officers when dealing with non-domestic (exotic) animals. For some of these species, there are legal restrictions around the keeping, transportation and/or commercial use (e.g. display to paying customers) of the animals¹, and so police must make checks to ensure the animals are being handled and boarded legally. Please note that these legal restrictions apply to some invertebrates as well as vertebrates (unlike the Animal Welfare Act 2006).

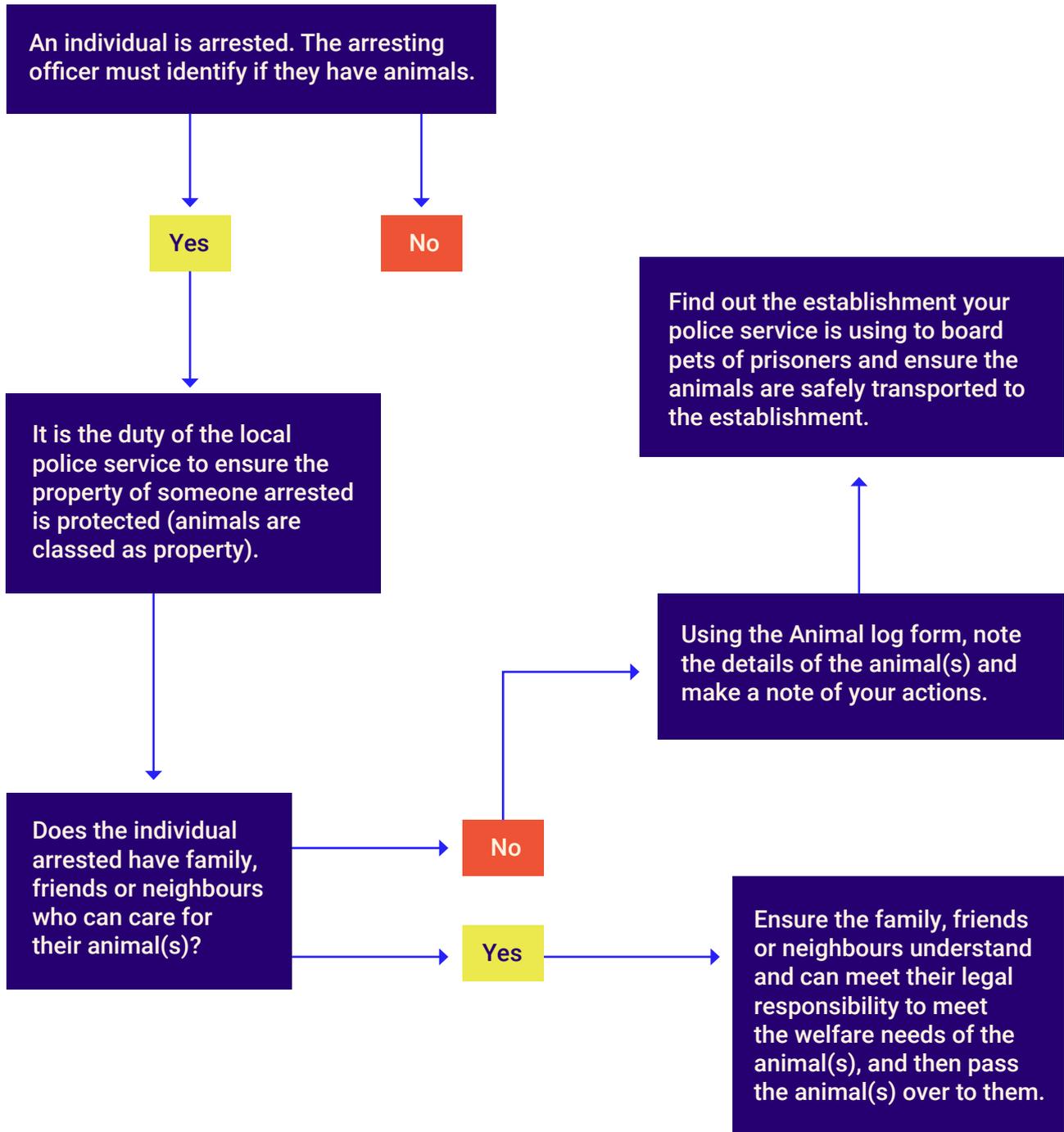
Planning for all eventualities

People don't just keep cats and dogs; they keep a wide variety of animals, including rabbits, fish, reptiles, birds, exotic mammals, equines (e.g. horses, ponies and donkeys) and invertebrates such as spiders. While it can be difficult to plan for such situations, it is important that police services have positive policies and procedures in place to ensure that they can adequately protect the welfare of a whole range of animals.

¹For 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 listed on Annex A of GB Wildlife Trade Regulations (e.g. some tortoises, parrots), which includes 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).

At-a-glance guide to the procedures

This flowchart provides an overview of the actions to take when an individual is arrested and has an animal or animals. It should be used in conjunction with the General principles on pages 4–5 and the Animal log form template that accompanies this guidance.



General principles

1. Whoever takes responsibility for the animal(s) has a duty of care

Whether it is a friend, family member or the police service who are taking responsibility for the animal(s), their duty under Section 9 of the Animal Welfare Act 2006² is to ensure the welfare needs of the animal(s) are met. Failure to do so could result in a prosecution (this could include the prosecution of police services). When speaking with any friends or family members, please make clear to them that this could be a long-term commitment and they must comply with the law.

- Useful information about meeting the welfare needs of different animals includes:
 - RSPCA web advice: rspca.org.uk/adviceandwelfare/pets
 - Defra's statutory codes of practice for certain species of animals kept in England: gov.uk/guidance/animal-welfare-legislation-protecting-pets
 - The Welsh Government's statutory codes of practice for certain species of animals kept in Wales: gov.wales/animal-welfare-pets
 - The Welsh Government's code of practice for the welfare of horses: gov.wales/code-of-practice-for-the-welfare-of-horses
 - A non-statutory code of practice produced for ensuring the welfare of rabbits in England: apgaw.org/the-rabbit-code

2. Not all animals/pets may be easily viewable

It is considered good practice to ask the arrested individual whether they have any animals that need taking care of. Some pets may be seen with the individual, e.g. a dog, and there may be signs of others, e.g. a cat litter tray or vivarium/tank. However, animals

such as rabbits or birds may be kept in gardens or outhouses, while others such as horses could be kept some distance away.

3. No animal can be left unattended at a property without an agreed plan for their removal or for care in-situ

The maximum time limit an animal can be left unattended before suffering will occur will depend on a number of factors, such as age, species, health status, location and weather conditions, etc. Mental and physical suffering can be caused through fear, loneliness, anxiety, pain, injury, disease, an unsuitable environment and a lack of access to food or water (note: this list is not exhaustive).

Some animals, such as rodents, cats and horses, may be kept in ways that allow them to be left safely for a 24-hour period providing their welfare needs are met, i.e. their environment is safe, they have plentiful access to water and food, and the individual animal appears happy and healthy.

However, others will likely suffer if left alone for any period of time. 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 excessive vocalisation or destructive behaviour. It may also include those animals who are reliant upon carefully controlled environments, such as reptiles.

- More information about meeting the welfare needs of different species can be found on the [RSPCA's website](https://rspca.org.uk).

As a guide, no animal, regardless of their age, should be left unattended for longer than is likely to cause suffering and/or 24 hours. Every animal is an individual, so this must be considered when determining the best course of action.

²legislation.gov.uk/ukpga/2006/45/section/9

Be especially alert to very young, old or sick animals, or those that may have already been left for a long time, as well as to warm or cold weather conditions, as these factors will significantly reduce the time an animal can be left unattended. In such circumstances, the animals should be removed or have care provided for sooner.

4. Not all animals will show obvious signs of illness or poor welfare (e.g. 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 have concerns about the health or welfare of animals in the property then a vet check should be arranged at the earliest opportunity. The police are liable for costs in these cases; however, a prior agreement/relationship with local vet practices can be of value in these circumstances.

5. This is likely to be a stressful situation for all concerned, including the animal(s)

The situation will likely be stressful, and animals may exhibit fear-related behaviour. In some animals this can manifest as aggression, so careful handling is essential. The animals are likely to be feeling scared and anxious, so it is important that anyone dealing with them remains quiet, gentle and calm and, where possible, approaches them slowly. For many exotic animals, it is recommended that you call in an expert to handle and remove them.

- You may find the following information on handling animals helpful.
 - 'Guidance for handling dogs': politicalanimal.rspca.org.uk/documents/d/political-animal/rspca-good-practice-guide-handling-of-dogs
 - Cat behaviour: rspca.org.uk/adviceandwelfare/pets/cats/behaviour/understanding

- Dog behaviour: rspca.org.uk/adviceandwelfare/pets/dogs/behaviour/understanding
- Horse behaviour: rspca.org.uk/adviceandwelfare/pets/horses/behaviour/bodylanguage
- Rabbit behaviour: rspca.org.uk/adviceandwelfare/pets/rabbits/behaviour/understanding

6. Log information to help care for the animal(s)

The RSPCA has produced a suggested animal log form template, which accompanies this guidance. It can be used/adapted by police officers to capture the information needed to help ensure the animal(s) of the person arrested can be cared for effectively.

This information should be captured as soon as is practicable after arrest, and some police services may find it most convenient to use this as part of the questions asked about the prisoner's care while in custody.

While it may not be possible to obtain all the information, every effort should be made to capture as much as possible. This information should still be logged, even if arrangements have been made for a friend or neighbour to care for the animal(s).

7. What to do with animals that need to be rehomed

Where animals are likely to be boarded for an extended period (for example, where the owner is remanded in custody), or the owner does not have any friends or family who can assist with care, it is possible to secure sign-over of ownership of the animals to the police force so they can be rehomed, etc. There is a clear and simple process for this under the Torts (Interference with Goods) Act 1977.

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