



Care Act 2014 and the pets of people taken into hospital

FROM THE PUBLIC AFFAIRS DEPARTMENT

Legal situation

Until 2014 section 48 of the [National Assistance Act 1948](#) has provided for local authorities (LA) 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 and the 1948 Act has been disappplied in England. 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 LA's area then the LA should provide provision for the protection of the property of someone who is hospitalised. In this case pets are classed as property.

LAs 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).

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 LA 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.

Where no one comes forward to administer the estate (within six months) the LA can apply themselves which would allow them to dispose of the deceased's possessions. If the LA 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](#).

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 LA may be able to seek help from the Cinnamon Trust in some cases (or another animal welfare organisation), otherwise the LA will have to make provision for boarding/caring for the animals themselves.

Whatever provisions are made for the animals it is imperative that the LA 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).