



Contested Pet Ownership: A Guide

I. The Legal Situation

Pet ownership disputes can occur in virtually any situation. Problems frequently occur when a couple ends their relationship and there is a disagreement over who gets to keep the pet. Disputes can also arise between unrelated or uninvolved parties claiming ownership of the same animal, such as when a neighbour cares for a runaway pet.

UK law does not clearly provide for how a court will decide who the rightful owner is. A plethora of factors can influence their decision, from financial facts like who purchased the pet to lifestyle considerations like who takes care of the pet.

Some judges are reluctant to make an order regarding pets, and will not spend a lot of court time hearing evidence. But for the ones who do, they will examine the weight of many factors. Thus, it is important to gather and provide as much information as possible.

Please note that the below information applies to England & Wales.

II. What Courts Will Consider

It is important not to assume that a court will consider the merits of contested ownership claims in depth. Some adjudicators continue to hold fast to the idea that a pet is the same as any other possession, and will decide based simply on e.g. who purchased the animal, or whose name is on the microchip.

However, some courts and authorities will examine the case more thoroughly. When determining the merits of a pet ownership dispute, courts have the ability to consider a wide variety of factors, submitted as both written and oral evidence. There is no one factor or piece of evidence that will determine this issue, nor is there any specific weight or significance assigned to any of the below criteria. Instead, a judge will consider all of the information available and weigh it as they deem appropriate, deciding the rightful owner based on a preponderance of the evidence.

Factors that may be considered, as and when they apply to a given situation:

• Who purchased the animal • Whose name was on the contract with breeder/rescue • Whose name is registered with the Kennel Club • Who pays for veterinary care/insurance • Whose name is recorded at the veterinary practice • Who pays for food • Who feeds the animal • Who provides the majority of care	• Whose name is registered on the microchip database • Who pays for day-to-day expenses for the animal • Whether the animal was obtained prior to the relationship, or during the course of it • Whether the parties were living together when the animal was obtained • Whether the animal was a gift • What is in the animal's best interests
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The court will want to see any and all documentation, receipts, bills, etc. so that the full picture is shown. Remember that the judge is entitled to use any of this evidence as they see fit, and there is no one deciding factor. Furthermore, a court can use its discretion **not** to return the pet to the legal owner – in effect, transferring ownership.

The above list is non-exhaustive. Any facts that the disputed owner deems important should be presented to the adjudicator. As public sentiment largely acknowledges the importance of pets to their owners and their emotional value, some courts have begun to prioritise the pet's best interests over strict legal entitlement. Any information that demonstrates the pet's well-being should thus be part of the case.

III. Owners' Options

A court will determine who the owner is. The court has the power to make orders, such as an order for the return of the animal to one party. The court can also order damages to compensate for wrongful retention of the animal.

Such disputes are commonly heard in the Small Claims Court and an application can be made for declaration of ownership under the Torts (Interference With Goods) Act 1977.

If parties agree, mediation can also be pursued. Because courts often do not take into account the physical and mental welfare of pets in relevant disputes, using mediation to settle a pet-related dispute instead can be a viable and helpful alternative to the court system. Such services may be better able than courts to prioritise the well-being of the animal. At the end of this document, please find a nonexhaustive list of mediators you might wish to contact.

IV. For the Future

The UK is seeing growing pressure for legal reform. There are nationwide petitions calling for changes to how pets are treated in legal disputes, to ensure courts consider pets as more than just property so that:

- A pet's welfare should be the primary concern
- A pet's value should reflect emotional worth, not just market price
- Pet-related legal cases should be fast-tracked to minimise distress

In future, to avoid disputed ownership as much as possible, parties in a relationship may enter into a co-habitation agreement or a pre-nuptial agreement to establish plans for care of the family pet in the event the relationship ends. To prevent other types of disputes as much as possible, ensure that your name is on purchase/adoption documentation, bills, microchip registration, contracts, insurance, and so on, and retain documentation and evidence of the care you provide.

Mediators

Veterinary Client Mediation Service (VCMS)

Telephone Number: 0345 040 5834

Email Address: enquiries@vetmediation.co.uk

Website: <https://www.vetmediation.co.uk/>

VCMS is an independent dispute resolution service supporting mediation between veterinary professionals/practices and pet owners. They have a cost-effective service, funded by the Royal

College of Veterinary Surgeons (which regulates all veterinary surgeons and nurses in the UK). They can assist with complaints concerning customer service or the standard of care provided by a veterinary practice, with solutions including an apology, a refund, further treatment, discretionary payment, or an explanation.

We Mediate

Telephone Number: 0333 567 1676

Website: <https://www.wemediate.co.uk/pet-custody-mediation/>

We Mediate provides pet custody mediation services helping separating couples negotiate the future care and ownership of pets. They aim to ensure the best interests of both pets and owners. The website includes a contact form offering a free consultation.

Start Mediation

Telephone Number: 01473 487427

Website: <https://startmediation.co.uk/pet-mediation/>

Start Mediation provides guidance to help involved parties make informed decisions about pet arrangements, whilst ensuring that control stays with you. Each party is represented to ensure fairness and objectivity. They offer the possibility of a government-funded part-payment voucher.

Dragon Mediation, Investigations and Liaison Services

Telephone Number: 0800 056 6632

Email Address: info@dmil.co.uk

Website: <https://dmil.co.uk/pet-mediation/>

Dragon offers specialist support for disputes and decisions relating to pets including: pet custody, shared pet care responsibilities, financial disagreements, rehoming or caring of pets, and ownership disputes involving adopted pets. A free 30-minute consultation can be booked via their website.

Family Mediation Clinic

Telephone Number: 07749 597078

Email Address: hello@familymediationclinic.co.uk

Website: <https://familymediationclinic.co.uk/family-mediation/pet-custody/>

The Family Mediation Clinic can provide mediation support for separating families in reaching fair arrangements for pets. Unlike in traditional court disputes where the pet is treated as property, the Family Mediation Clinic aims to help parties reach custody agreements that better reflect the interests and welfare of the animals.

Direct Mediation Services

Telephone Number: 0330 043 6799

Email Address: info@directmediationservices.co.uk

Website: <https://directmediationservices.co.uk/divorce-pet-custody-agreement/>

With a focus on pets in divorce, Direct Mediation Services assists clients in making arrangements that highlight the importance of pet welfare. Their mediators recognise that animals may experience stress when change takes place, and so they encourage clients to work through trial periods to determine what's right for their pet. Direct Mediation Services encourage parties to put themselves in the other parties' shoes which may be necessary to reach a compromise for caring for a loved animal. Their website includes information on Legal Aid and the government voucher scheme for payment assistance.

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