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STATUTORY INSTRUMENTS

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**1983 No. 764**

**The Dogs (Northern Ireland) Order 1983**

**PART II**

**LICENCES AND REGISTRATION**

*Licences*

**Prohibition on keeping dog without a licence**

**3.** Except as permitted by this Order, it shall be unlawful for any person to keep a dog of any description unless he holds a dog licence authorising him to keep a dog of that description.

**Persons to whom dog licences may be issued**

- 4.—**(1) The person to whom a dog licence is issued shall be the keeper of the dog.
- (2) The following persons shall be disqualified for obtaining or holding a dog licence—
- (a) a person disqualified for keeping a dog under<sup>[F1]</sup> Article 33A or<sup>[F2]</sup> section 33 of the Welfare of Animals Act (Northern Ireland) 2011;
  - (b) a person under the age of 16.
- (3) A dog licence purporting to be held by a person disqualified by paragraph (2) for holding a licence shall be void.

**F1** 1991 NI 21

**F2** Words in art. 4(2)(a) substituted (11.7.2011) by [Welfare of Animals Act \(Northern Ireland\) 2011](#) (c. 16), ss. 57(1), 59, [Sch. 4 para. 1](#) (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, [art. 2](#), Sch. 1

**Exemptions**

- 5.** A dog licence shall not be required in respect of—
- (a) a dog under the age of six months where that dog is kept by the person who at the time of its birth was the keeper of the bitch which gave it birth;
  - <sup>[F3]</sup>(b) a dog kept and used by a disabled person (within the meaning of the Disability Discrimination Act 1995 (c. 50)) wholly or mainly for the purpose of assisting that person to carry out normal day-to-day activities;
  - (c) a dog kept in a petshop licensed by the Department under section 8 of the Welfare of Animals Act (Northern Ireland) 1972 where the dog is on offer for sale to the public;
  - (d) a dog kept by a person to whom a block licence under Article 8(1) is issued where the dog is normally kept on the premises to which the block licence relates;
  - (e) a dog kept and used wholly for police purposes;

(f) a dog kept by such other person as may be prescribed.

**F3** Art. 5(b) substituted (28.7.2011) by Dogs (Amendment) Act (Northern Ireland) 2011 (c. 9), ss. 1(2), 18(1); S.R. 2011/281, art. 2, Sch.

### Issue of dog licences

**6.**—(1) Dog licences shall be issued by district councils for dogs kept by persons resident in their districts.

(2) An application for a dog licence shall be in such form as may be prescribed.

(3) A dog licence shall be in such form as may be prescribed and shall, unless suspended, remain in force for such period as may be prescribed.

(4) Where a dog dies and the holder of the dog licence intends to become the keeper of another dog (“the new dog”) before that licence has expired, he may, before taking possession of the new dog, return that licence to the district council by which it was issued and that council shall issue to him a certificate (“a transfer certificate”) showing that the licence has been transferred so as to have effect in relation to the new dog.

(5) A transfer certificate shall be in such form as may be prescribed.

(6) A transfer certificate shall remain in force for the remainder of the period for which the dog licence is unexpired and shall be deemed to be part of the licence.

[<sup>F4</sup>(7) A district council shall not—

- (a) issue a dog licence in respect of a dog, or
- (b) issue a transfer certificate in respect of a new dog,

unless that dog has been microchipped; and any licence or transfer certificate purporting to be issued in respect of a dog which has not been microchipped is void.

(8) For the purposes of paragraph (7) a dog is microchipped if (and only if)—

- (a) a microchip has been implanted in the dog before the coming into operation of section 2(1) of the Dogs (Amendment) Act (Northern Ireland) 2011; or
- (b) a microchip is implanted in the dog in accordance with regulations under Article 31(1)(f).

(9) Paragraph (7) does not apply if the keeper of the dog produces to the council a certificate signed by a veterinary surgeon to the effect that implantation (or continued implantation) of a microchip in the dog would have an adverse effect on the health of the dog.]

[<sup>F5</sup>(10) A district council shall not—

- (a) issue a dog licence in respect of a dog to which Article 25A applies, or
- (b) issue a transfer certificate in respect of such a dog,

unless the dog is exempted from the prohibition in Article 25A(3).]

**F4** Art. 6(7)-(9) added (9.4.2012) by Dogs (Amendment) Act (Northern Ireland) 2011 (c. 9), ss. 2(1), 18(1); S.R. 2012/131, art. 2

**F5** Art. 6(10) inserted (28.7.2011) by Dogs (Amendment) Act (Northern Ireland) 2011 (c. 9), ss. 3(2), 18(1); S.R. 2011/281, art. 2, Sch.

## **Fees for dog licences**

[<sup>F67</sup>—(1) On the issue of a dog licence, the person to whom the licence is issued must pay the appropriate fee.

(2) Paragraph (1) does not apply to—

- (a) a licence issued to a person over the age of 65 in respect of the first or only dog kept by that person;
- (b) a licence issued to any prescribed person or in any prescribed circumstances.

(3) The appropriate fee is £5 in the case of—

- (a) a licence issued to a person over the age of 65, other than a licence falling within paragraph (2)(a);
- (b) [<sup>F7</sup>a licence issued to a person who at the time of the application for the licence is—
  - (i) in receipt of an income-related benefit, or
  - (ii) a member of a couple in receipt of an income-related benefit;]
- (c) a licence issued in respect of a sterilised dog.

(4) In any other case the appropriate fee is £12.50.

(5) Paragraphs (2) and (3) do not apply in the case of a licence issued in respect of a dog to which Article 25A applies (and accordingly in the case of such a licence the appropriate fee is that mentioned in paragraph (4)).

(6) The Department may by order made with the consent of the Department of Finance and Personnel amend a sum for the time being specified in paragraph (3) or (4).

(7) An order under paragraph (6) shall not be made unless the Department has consulted such organisations as appear to the Department to be representative of interests substantially affected by the order.

(8) Where within 30 days from the date of the issue of a dog licence—

- (a) the holder of the licence does not take possession of a dog, or
- (b) the holder takes possession of a dog but subsequently disposes of the dog, or
- (c) the dog dies,

the holder of the licence may apply to the district council by which the licence was issued for a refund of the sum paid on the issue of the licence.

(9) An application for a refund under paragraph (8) shall be in the prescribed form.]

[<sup>F8</sup>(10) In this Article “income-related benefit” means—

- (a) universal credit under the Welfare Reform (Northern Ireland) Order 2015;
- (b) state pension credit under the State Pension Credit Act (Northern Ireland) 2002;
- (c) income support under section 123 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
- (d) housing benefit under section 129 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
- (e) income-based jobseekers allowance under the Jobseeker's (Northern Ireland) Order 1995;
- (f) income-related employment and support allowance under the Welfare Reform Act (Northern Ireland) 2007;
- (g) working tax credit under the Tax Credits Act 2002.]

- F6** Art. 7 substituted (3.10.2011) by [Dogs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 9\), ss. 4\(1\), 18\(1\); S.R. 2011/332, art. 2, Sch.](#)
- F7** Art. 7(3)(b) substituted (17.2.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\), arts. 2\(2\), 133\(2\)\(a\); S.R. 2016/46, art. 3\(5\)\(d\)](#)
- F8** Art. 7(10) inserted (17.2.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\), arts. 2\(2\), 133\(2\)\(b\); S.R. 2016/46, art. 3\(5\)\(d\)](#)

### Block licence

**8.—(1)** Block licences shall be issued by district councils for premises situated in their districts in which three or more dogs are kept by persons who keep on the same premises—

- (a) not less than three unsterilised bitches [<sup>F9</sup>which breed between them less than 3 litters in a 12 month period]; or
- (b) not less than three dogs which are registered with the Kennel Club or with such other organisation as the Department may, by order, specify;
- (c) being the premises of guard dog kennels in respect of which those persons are registered under Article 10, not less than three dogs which are used as guard dogs elsewhere.

(2) An application for a block licence shall be in such form as may be prescribed.

(3) A block licence shall be in such form as may be prescribed and shall, unless suspended, remain in force for such period as may be prescribed.

(4) On the issue of a block licence there shall be paid by the person to whom the licence is issued the sum of [<sup>F10</sup>£32] or such other sum as the Department, after consultation with such organisations as appear to the Department to be representative of interests substantially affected by the order and with the consent of the Department of Finance and Personnel, may specify by order <sup>F11</sup>. . . .

(5) Article 4(2) and (3) shall apply to a block licence under this Article as it applies to a dog licence.

- F9** Words in art. 8(1)(a) substituted (1.4.2013) by [The Welfare of Animals \(Dog Breeding Establishments and Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/43\), regs. 1, 21\(3\)](#)
- F10** Word in art. 8(4) substituted (3.10.2011) by [Dogs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 9\), ss. 4\(2\), 18\(1\); S.R. 2011/332, art. 2, Sch.](#)
- F11** Words in art. 8(4) repealed (28.7.2011) by [Dogs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 9\), ss. 17\(2\), 18\(1\), Sch. 2; S.R. 2011/281, art. 2, Sch.](#)

### *Guard dog kennels*

#### Prohibition on guard dog kennels

**9.—(1)** A person shall not keep guard dog kennels unless he is registered in accordance with Article 10 in respect of the kennels.

(2) A person shall not use or permit the use at any place of a guard dog if he knows or has reasonable cause to suspect that the dog (when not being used as a guard dog) is normally kept at guard dog kennels in respect of which a person is not registered under Article 10.

(3) Any person who contravenes paragraph (1) or (2) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

### Registration in respect of guard dog kennels

10.—(1) An application for registration shall be made to the district council for the district in which the guard dog kennels named in the application are situated.

(2) A person who is disqualified for keeping a dog under<sup>F12</sup> Article 33A or<sup>F13</sup> section 33 of the Welfare of Animals Act (Northern Ireland) 2011] shall not be registered in respect of guard dog kennels.

(3) The district council shall register an applicant in respect of the guard dog kennels named in an application and issue to him a certificate of registration.

(4) Registration shall be for such period as may be specified in the certificate of registration.

(5) Where—

(a) a person is convicted of any offence under this Order or under <sup>F14</sup>Part 2 of the Welfare of Animals Act (Northern Ireland) 2011]; or

(b) the kennels named in an application for registration or in respect of which a person is registered do not comply with regulations under paragraph (6)(a);

the district council may refuse the application for registration or, as the case may be, cancel the registration of that person in respect of the guard dog kennels.

(6) Regulations may—

(a) make provision as to the construction, and operation, of guard dog kennels;

(b) make provision as to the information to be supplied on any application for registration under this Article.

**F12** 1991 NI 21

**F13** Words in art. 10(2) substituted (11.7.2011) by Welfare of Animals Act (Northern Ireland) 2011 (c. 16), ss. 57(1), 59, Sch. 4 para. 1 (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, art. 2, Sch. 1

**F14** Words in art. 10(5)(a) substituted (11.7.2011) by Welfare of Animals Act (Northern Ireland) 2011 (c. 16), ss. 57(1), 59, Sch. 4 para. 2 (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, art. 2, Sch. 1

### Appeal against refusal of, or cancellation of, registration in respect of guard dog kennels

11.—(1) Not less than 14 days before refusing an application for registration, or cancelling any registration, in respect of guard dog kennels under Article 10(5), the district council shall serve notice of its intention to refuse the application on the applicant or, as the case may be, notice of its intention to cancel the registration on the person registered.

(2) Every such notice shall state the grounds on which the district council intends to refuse the application or cancel the registration and shall contain an intimation that if, within 14 days after the service of the notice, the applicant or, as the case may be, the person registered informs the council in writing of his desire to show cause, in person or by a representative, why the application should not be refused or the registration not cancelled, the council shall, before refusing the application or cancelling the registration, afford him an opportunity to do so.

(3) If the district council, after giving the applicant or, as the case may be, the person registered an opportunity of being heard by it, decides to refuse the application for registration, or to cancel the registration, it shall serve notice of the decision on the applicant or, as the case may be, the person registered, and such notice shall inform him of his right to appeal under paragraph (4) and of the time within which the appeal may be brought.

(4) A person aggrieved by a decision refusing or cancelling any registration may, by notice under Part VII of the Magistrates' Courts (Northern Ireland) Order 1981, appeal to a court of summary jurisdiction and the cancellation under Article 10(5) shall not take effect until the expiration of the

time within which an appeal may be brought under this paragraph or, where such an appeal is brought, before the determination of the appeal.

(5) The decision of a court of summary jurisdiction on an appeal brought under paragraph (4) shall be final, and the district council shall give effect to that decision.

F15 ...

**F15** Art. 12 cross-heading omitted (1.4.2013) by virtue of [The Welfare of Animals \(Dog Breeding Establishments and Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/43\)](#), regs. 1, **21(4)**

**Prohibition on breeding establishments**

**F16**12. ....

**F16** Art. 12 repealed (1.4.2013) by [The Welfare of Animals \(Dog Breeding Establishments and Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/43\)](#), regs. 1, **21(5)**

**Registration in respect of breeding establishments**

**F17**13. ....

**F17** Art. 13 repealed (1.4.2013) by [The Welfare of Animals \(Dog Breeding Establishments and Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/43\)](#), regs. 1, **21(5)**

*Supplementary provisions*

**Display of registration certificate**

14. A certificate of registration issued in respect of guard dog kennels <sup>F18</sup>... shall be kept affixed in a conspicuous place in the kennels <sup>F19</sup>..., and, if default is made in complying with this Article, the person keeping the kennels <sup>F19</sup>... shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

**F18** Words in art. 14 omitted (1.4.2013) by virtue of [The Welfare of Animals \(Dog Breeding Establishments and Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/43\)](#), regs. 1, **21(6)(a)**  
**F19** Words in art. 14 omitted (1.4.2013) by virtue of [The Welfare of Animals \(Dog Breeding Establishments and Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/43\)](#), regs. 1, **21(6)(b)**

**Registers of licences, guard dog kennels <sup>F20</sup>...**

- 15.—(1) Each district council shall keep a register of—
- (a) all dog licences and block licences issued by the council which are for the time being in force [<sup>F21</sup>and],
  - (b) guard dog kennels, <sup>F22</sup>...

<sup>F23</sup>(c) .....

which shall be in such form and contain such particulars as may be prescribed.

(2) A register kept under paragraph (1) may, at all reasonable hours, be inspected and copies of entries in the register taken, [<sup>F24</sup>free of charge.]

- F20** Words in art. 15 heading omitted (1.4.2013) by virtue of [The Welfare of Animals \(Dog Breeding Establishments and Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/43\)](#), regs. 1, **21(7)**
- F21** Word in art. 15(1)(a) inserted (1.4.2013) by [The Welfare of Animals \(Dog Breeding Establishments and Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/43\)](#), regs. 1, **21(8)**
- F22** Word in art. 15(1)(b) omitted (1.4.2013) by virtue of [The Welfare of Animals \(Dog Breeding Establishments and Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/43\)](#), regs. 1, **21(9)**
- F23** Art. 15(1)(c) omitted (1.4.2013) by virtue of [The Welfare of Animals \(Dog Breeding Establishments and Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/43\)](#), regs. 1, **21(10)**
- F24** Words in art. 15(2) substituted (28.7.2011) by [Dogs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 9\)](#), ss. 17(1), 18(1), **Sch. 1 para. 1**; S.R. 2011/281, **art. 2**, Sch.

### Evidence of registers

16. In any proceedings under this Order a document purporting to be a copy of an entry in a register of licences [<sup>F25</sup>or] guard dog kennels <sup>F26</sup>..., as the case may require, and purporting to be certified as such by a person authorised by the district council shall be evidence of the matters recorded in the entry.

- F25** Word in art. 16 substituted (1.4.2013) by [The Welfare of Animals \(Dog Breeding Establishments and Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/43\)](#), regs. 1, **21(11)(i)**
- F26** Words in art. 16 omitted (1.4.2013) by virtue of [The Welfare of Animals \(Dog Breeding Establishments and Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/43\)](#), regs. 1, **21(11)(ii)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Dogs (Northern Ireland) Order 1983, PART II.