
STATUTORY INSTRUMENTS

1983 No. 764

The Dogs (Northern Ireland) Order 1983

PART III

CONTROL OF DOGS

Stray dogs

Penalty for a dog straying

22.—(1) Where any dog strays the keeper of the dog and, if it is in the charge of a person other than its keeper, that person also shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

(2) The keeper of a dog shall not be convicted of an offence under this Article if he proves that at the time when the dog strayed it was in the charge of some other person whom he reasonably believed to be a fit and proper person to be in charge of the dog.

(3) For the purposes of this Article and Article 23, a dog—

(a) which is—

(i) off land owned or occupied by the keeper of the dog and, if the keeper of the dog is a person other than its owner, off land owned or occupied by its owner also; or

(ii) off other land on which it may be by permission of the owner or occupier of that land; and

(b) which appears to an officer to be unaccompanied by any person;

shall be treated as a stray dog.

Seizure of stray dog

23.—(1) An officer may seize any dog which is a stray dog.

(2) A dog seized under paragraph (1) may be taken to a dog pound and may be detained by the district council by which the pound is maintained or used under arrangements made under Article 40(a) until the keeper has claimed it and paid all expenses incurred by reason of its detention (including the costs of any veterinary treatment provided under paragraph (5)).

(3) Where—

(a) any dog seized under paragraph (1) has been detained for 5 days after the seizure and the keeper has not claimed the dog; or

(b) the keeper has not paid the expenses such as are mentioned in paragraph (2) within such period as the district council may determine, being a period in addition to the 5 days mentioned in sub-paragraph (a);

the council may cause the dog to be sold or to be destroyed in such a manner as to cause as little pain as possible.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the The Dogs (Northern Ireland) Order 1983, Cross Heading: Stray dogs. (See end of Document for details)

(4) No dog seized and detained under this Article shall be given or sold for the purposes of animal experimentation.

(5) The district council detaining a dog under this Article—

- (a) shall cause the dog to be properly fed and maintained; and
- (b) shall arrange for the provision of such veterinary treatment (including humane destruction) as it considers necessary.

(6) The seizure or detention of a dog under this Article shall not render an officer or a district council subject to any liability in respect of the illness, injury or death of the dog unless the illness, injury or death is directly attributable to a negligent act of the council or its servant or agent.

(7) The Department may—

- (a) determine the minimum price at which dogs may be sold under paragraph (3);
- (b) by order, subject to affirmative resolution, vary the number of days for which a dog is to be detained under paragraph (3)(a).

(8) A district council shall keep records of the seizure, and disposal, of stray dogs in its district.

Finding of unaccompanied dog

24.—(1) Any person who finds a dog—

- (a) which is—
 - (i) off land owned or occupied by the keeper of the dog and, if the keeper of the dog is a person other than its owner, off land owned or occupied by its owner also; or
 - (ii) off other land on which it may be by permission of the owner or occupier of that land; and
- (b) which appears to him to be unaccompanied by any other person;

may detain the dog.

(2) Where a person detains a dog under paragraph (1), he shall, within 24 hours of the finding, give notice to a member of the Royal Ulster Constabulary at the nearest police station or to the district council for the district in which he resides.

(3) Where notice of a finding is given to a district council whether under paragraph (2) or by a member of the Royal Ulster Constabulary, an officer shall make arrangements for the collection of the dog from the person detaining it under paragraph (1) and paragraphs (2) to (8) of Article 23 shall apply to any dog collected under this paragraph as they apply to a dog seized under paragraph (1) of that Article.

Control of dogs on certain roads and on land

25.—(1) A keeper of a dog and, if it is in the charge of a person other than its keeper, that person also shall not cause or permit that dog to be—

- (a) in any road in respect of which an order has been made under^[F1] Article 100 of the Planning (Northern Ireland) Order 1991];
- (b) on any land where livestock are present and have a right to be there;

unless the dog is under control.

(2) Paragraph (1) shall not apply to a dog—

- (a) on land owned or occupied by its keeper and, if the keeper of the dog is a person other than the owner of the dog, on land owned or occupied by its owner also;
- (b) on other land with the permission of the owner or occupier of that land;

- (c) while being used for driving or tending sheep or cattle in the course of a trade or business;
 - (d) while being used in a pack of hounds;
 - (e) while being used for police purposes;
 - (f) while being used for such other purposes as the Department may, by order, specify.
- (3) Any person who contravenes paragraph (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.
- (4) The Department may by order, subject to affirmative resolution,—
- (a) extend paragraph (1) as to roads in which dogs are not permitted to be unless under control; and
 - (b) vary the exceptions specified in paragraph (2).

F1 1991 NI 11

[F2]Dogs bred for fighting

25A.—(1) This Article applies to—

- (a) any dog of the type known as the pit bull terrier;
- (b) any dog of the type known as the Japanese tosa; and
- (c) any dog of any type designated for the purposes of this Article by an order of the Department, being a type appearing to the Department to be bred for fighting or to have the characteristics of a type bred for that purpose.

(2) No person shall—

- (a) breed, or breed from, a dog to which this Article applies;
- (b) sell or exchange such a dog or offer, advertise or expose such a dog for sale or exchange;
- (c) make or offer to make a gift of such a dog or advertise or expose such a dog as a gift;
- (d) cause or permit such a dog of which he is the keeper or of which he is for the time being in charge to be in a public place unless the dog is muzzled and kept on a lead; or
- (e) abandon such a dog of which he is the keeper or, being the keeper or for the time being in charge of such a dog, permit it to stray.

(3) After 30th November 1991 no person shall have any dog to which this Article applies in his possession or custody except—

- (a) in pursuance of a power of seizure conferred by this Order; or
- (b) in accordance with an order for its destruction made under this Order;

but the Department shall by order make a scheme for the payment to the keepers of such dogs who arrange for them to be destroyed before that date of sums specified in or determined under the scheme in respect of those dogs and the cost of their destruction.

(4) Paragraph (2)(b) and (c) shall not make unlawful anything done with a view to the dog in question being removed from the United Kingdom before 30th November 1991.

(5) The Department may by order provide that the prohibition in paragraph (3) shall not apply in such cases and subject to compliance with such conditions as are specified in the order and any such provision may take the form of a scheme of exemption containing such arrangements (including provision for the payment of charges or fees) as the Department thinks appropriate.

(6) A scheme under paragraph (3) or (5) may provide for specified functions under the scheme to be discharged by such persons or bodies as the Department thinks appropriate.

Status: Point in time view as at 01/01/2006.

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(7) Any person who contravenes this Article shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale or to both, except that a person who publishes an advertisement in contravention of paragraph (2)(b) or (c)—

- (a) shall not on being convicted be liable to imprisonment if he shows that he published the advertisement to the order of someone else and did not himself devise it; and
- (b) shall not be convicted if, in addition, he shows that he did not know and had no reasonable cause to suspect that it related to a dog to which this Article applies.

(8) An order under paragraph (1)(c) adding dogs of any type to those to which this Article applies may provide that paragraphs (3) and (4) shall apply in relation to those dogs with the substitution for the date mentioned in those paragraphs of a later date specified in the order.

(9) If in any proceedings it is alleged by the prosecution that a dog is one to which this Article applies it shall be presumed that it is such a dog unless the contrary is shown by the accused by such evidence as the court considers sufficient and the accused shall not be permitted to adduce such evidence unless he has given the prosecution notice of his intention to do so not later than the fourteenth day before that on which the evidence is to be adduced.

(10) In this Article “advertisement” includes any means of bringing a matter to the attention of the public.

(11) In this Article and Article 25C—

- (a) references to a dog being muzzled are to its being securely fitted with a muzzle sufficient to prevent it biting any person; and
- (b) references to a dog being kept on a lead are to its being securely held on a lead by a person who is not under the age of 16.

(12) If the Department thinks it desirable to do so, it may by order prescribe the kind of muzzle or lead to be used for the purpose of complying, in the case of a dog of any type, with this Article or an order under Article 25B; and if a muzzle or lead of a particular kind is for the time being prescribed in relation to any type of dog, the references in paragraph (11) to a muzzle or lead shall, in relation to any dog of that type, be construed as references to a muzzle or lead of that kind.

(13) For the purposes of this Article a dog strays if—

- (a) it is—
 - (i) off land owned or occupied by the keeper of the dog and, if the keeper of the dog is a person other than its owner, off land owned or occupied by its owner also; or
 - (ii) off other land on which it may be by permission of the owner or occupier of that land; and
- (b) it is unaccompanied by any person.]

F2 1991 NI 21

[^{F3}Other specially dangerous dogs

25B.—(1) If it appears to the Department that dogs of any type to which Article 25A does not apply present a serious danger to the public it may by order, subject to affirmative resolution, impose in relation to dogs of that type restrictions corresponding, with such modifications, if any, as it thinks appropriate, to all or any of those in paragraph (2)(d) and (e) of that Article.

(2) An order under this Article may provide for exceptions from any restriction imposed by the order in such cases and subject to compliance with such conditions as are specified in the order.

(3) An order under this Article may contain such supplementary or transitional provisions as the Department thinks necessary or expedient and may create offences punishable on summary conviction with imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale or both.

(4) In determining whether to make an order under this Article in relation to dogs of any type and, if so, what the provisions of the order should be, the Department shall consult with such persons or bodies as appear to it to have relevant knowledge or experience, including a body concerned with animal welfare, a body concerned with veterinary science and practice and a body concerned with breeds of dogs.

(5) If in any proceedings it is alleged by the prosecution that a dog is one to which an order under this Article applies it shall be presumed that it is such a dog unless the contrary is shown by the accused by such evidence as the court considers sufficient and the accused shall not be permitted to adduce such evidence unless he has given the prosecution notice of his intention to do so not later than the fourteenth day before that on which the evidence is to be adduced.]

F3 1991 NI 21

[^{F4}Seizure of dangerous dogs and powers of entry

25C.—(1) An officer may seize—

- (a) any dog which appears to him to be a dog to which Article 25A applies and which is in a public place—
 - (i) after the time when possession or custody of it has become unlawful by virtue of that Article; or
 - (ii) before that time, without being muzzled and kept on a lead;
- (b) any dog in a public place which appears to him to be a dog to which an order under Article 25B applies and in respect of which an offence against the order has been or is being committed; and
- (c) any dog in a public place (whether or not one to which that Article or such an order applies) which appears to him to be attacking any person.

(2) If a resident magistrate is satisfied by complaint on oath that there are reasonable grounds for believing—

- (a) that an offence under Article 25A, 29(1A) or 33A(4) or an order under Article 25B is being or has been committed; or
- (b) that evidence of the commission of any such offence is to be found,

on any premises he may issue a warrant under his hand authorising an officer to enter those premises and to search them and seize any dog or other thing found there which is evidence of the commission of such an offence.

(3) Where a dog is seized under paragraph (1) or (2) and it appears to a resident magistrate that no person has been or is to be prosecuted for an offence mentioned in paragraph (2)(a) in respect of that dog (whether because the keeper cannot be found or for any other reason)

- (a) if the dog is one to which Article 25A applies, the resident magistrate shall order that unless the dog is exempted from the prohibition in paragraph (3) of that Article within the period of two months beginning with the date of the order the dog shall be destroyed;
- (b) if the dog is not one to which Article 25A applies, the resident magistrate may order the destruction of the dog and shall do so unless he is satisfied that the dog is not a danger to the public.]

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F4 1991 NI 21

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