



## 2011 CHAPTER 9

### *Fixed penalties*

#### **Fixed penalty offences**

**11.**—(1) Article 35 of the Dogs Order (offences to which fixed penalty applies) is amended as follows.

(2) In paragraph (1) after sub-paragraph (d) insert—

“(da) Article 30E(3) (failure to notify transfer of dog subject to control conditions);

(db) Article 30F(1) (failure to comply with control conditions of dog licence);”.

#### **Payment of fixed penalty to council**

**12** For Article 37 of the Dogs Order (payment of fixed penalty to clerk of petty sessions) substitute—

##### **“Payment of fixed penalty**

**37.**—(1) The fixed penalty payable in pursuance of a notice under Article 36 is payable to the district council whose officer gave the notice.

(2) In any proceedings a certificate which—

(a) purports to be signed on behalf of the clerk of the council, and

(b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.

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*Changes to legislation: There are currently no known outstanding effects for the Dogs (Amendment) Act (Northern Ireland) 2011, Cross Heading: Fixed penalties. (See end of Document for details)*

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(3) In this Article “clerk of the council”, in relation to a district council, means the clerk appointed in accordance with section 41 of the Local Government Act (Northern Ireland) 1972 (c. 9).”.

### **Use of fixed penalty receipts of council**

**13** After Article 37 of the Dogs Order insert—

#### **“Use of fixed penalty receipts**

**37A.**—(1) This Article applies in relation to amounts paid to a district council in pursuance of notices under Article 36 (its “fixed penalty receipts”).

(2) A district council may use its fixed penalty receipts only for the purposes of its functions under this Order.”.

### **Amount of fixed penalty**

**14** For Article 38 of the Dogs Order (amount of fixed penalty) substitute—

#### **“Amount of fixed penalty**

**38.**—(1) The amount of a fixed penalty payable to a district council in pursuance of a notice under Article 36 in respect of an offence to which Articles 36 to 38 apply—

- (a) is the amount specified by the district council; or
- (b) if no amount is so specified, is £75.

(2) A district council may under paragraph (1)(a) specify different amounts in relation to different offences.

(3) A district council may make provision for treating a fixed penalty payable to that council in pursuance of a notice under Article 36 as having been paid if a lesser amount is paid before the end of a period specified by the council.

(4) The Department may by regulations make provision in connection with the powers conferred on district councils under paragraphs (1)(a) and (3).

(5) Regulations under paragraph (4) may (in particular)—

- (a) require an amount specified under paragraph (1)(a) to fall within a range prescribed in the regulations;
- (b) restrict the extent to which, and in the circumstances in which, a district council can make provision under paragraph (3).

(6) The Department may by order substitute a different amount for the amount for the time being specified in paragraph (1)(b).”.

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**Changes to legislation:** *There are currently no known outstanding effects for the Dogs (Amendment) Act (Northern Ireland) 2011, Cross Heading: Fixed penalties. (See end of Document for details)*

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## **Assembly control of orders made by Department**

**15** For Article 54 of the Dogs Order substitute—

### **“Orders**

**54.—(1)** Except as provided by paragraph (2), orders made by the Department under this Order are subject to negative resolution.

(2) No order shall be made under Article 7(6), 8(4), 23(7)(b), 25(2)(f), 25(4), 25B(1), 28(3)(b), 29(5)(b), 33(3)(c), 35(2), 38(6) or 46 unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.”.

**Changes to legislation:**

There are currently no known outstanding effects for the Dogs (Amendment) Act (Northern Ireland) 2011, Cross Heading: Fixed penalties.