
EXPLANATORY NOTE

(This note is not part of the Regulations)

Further to Part 5 (Dogs) (in particular, sections 40 to 42) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (“the Act”), under which district councils are empowered to make dog control orders, these Regulations prescribe for the purposes of section 40 of the Act the offences that may be provided for in any such order (*regulation 3(1) and Schedules 1 to 5*).

The offences are:

- (a) failing to remove faeces deposited by a dog on land in respect of which a Fouling of Land by Dogs Order applies (*Schedule 1, paragraph 1*);
- (b) failing to keep a dog on a lead on land in respect of which a Dogs on Leads Order applies (*Schedule 2, paragraph 1*);
- (c) failing to put, and to keep, a dog on a lead, when directed to do so by an authorised officer, on land in respect of which a Dogs on Leads by Direction Order applies (*Schedule 3, paragraph 1*);
- (d) permitting a dog to enter land in respect of which a Dogs Exclusion Order applies (*Schedule 4, paragraph 1*); and
- (e) taking more than the maximum number of dogs onto land in respect of which a Dogs (Specified Maximum) Order applies (*Schedule 5, paragraph 1*),

in each case without reasonable excuse or without the consent of the owner, occupier or other person or authority who has control of the land. The offence of failing to remove dog faeces and of permitting a dog to enter land from which dogs are excluded do not apply to a person who is registered as blind or partially sighted, to a person who has a sight loss in respect of their guide dog, or to a person who has a disability in respect of a dog which is trained by a prescribed charity. The offence of permitting a dog to enter land from which dogs are excluded does not apply to a person who has a disability in respect of their assistance dog.

The Regulations also prescribe, in fulfilment of the requirement in section 41(1) of the Act, the maximum penalty which may be provided for in a dog control order (*regulation 3(2)*); this shall be, on summary conviction, a fine not exceeding level 3 on the standard scale (that is, at the time of making these Regulations, £1,000).

In respect of the content and form of a dog control order, the Regulations specify the wording that must be used in providing for an offence in such an order (*regulation 4(a), and in paragraph 2 of Schedules 1 to 5*), and in all other respects require that a dog control order (including an order amending a dog control order) shall be in the form set out in the appropriate Schedule, or in a form substantially to the like effect as that form (*regulation 4(b), and in paragraph 3 of Schedules 1 to 5; in respect of an amending order, regulation 5 and Schedule 6, paragraph 1*).

A regulatory impact assessment on the effect of the Clean Neighbourhoods and Environment Bill (Northern Ireland) 2010 is available on the Department’s website (dog control orders are dealt with on pp.15 to 16). A separate regulatory impact assessment has not been produced for these Regulations as they have no impact on the cost to business.