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STATUTORY INSTRUMENTS

1983 No.764 (N.I. 8)

The Dogs (Northern Ireland) Order 1983

- - - - - 18th May 1983

PART I INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Dogs (Northern Ireland) Order 1983.

(2) Subject to paragraph (3), this Order shall come into operation on such day or days as the Head of the Department may by order appoint^{F1}.

(3) Articles 28 to 30 and Article 56(2) and Schedule 2 to the extent that they repeal the Dogs Act (Northern Ireland) 1960 and sections 1 and 4 of the Livestock (Protection from Dogs) Act (Northern Ireland) 1968 shall come into operation on the expiration of the period of 2 months from the day on which the order is made.

F1 fully exercised by SR 1983/165,376
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Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“action” includes a counterclaim;

“attacking a person” means—

(a) attacking a person; or

(b) behaving in such a manner so as to cause a person apprehension of being attacked;

“block licence” means a licence issued under Article 8(1);

“breeding establishment” means any premises (including a private dwelling)—

(a) in which a dog is kept by a person who owns 3 or more unsterilised bitches any of which is used for the purposes of breeding; or

(b) in which an unsterilised bitch is kept by a person, not being the owner of the bitch, for the purposes of breeding;

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“cattle” means bulls, bullocks, cows, heifers or calves;

“the Department” means the Department of Agriculture;

“dog” includes bitch and a dog of any age;

“dog licence” means a licence issued under Article 6(1);

“dog pound” means a dog pound established by a district council or used by a council under arrangements made under Article 40(a);

“guard dog” means a dog which is being used to protect—

- (a) such places as the Department may, by order, specify; or
- (b) goods kept at places so specified; or
- (c) a person guarding places so specified or such goods;

“guard dog kennels” means any premises where a person in the course of business keeps a dog which (notwithstanding that it is used for other purposes) is used as a guard dog elsewhere, other than a dog which is used as a guard dog only at a place belonging to or occupied by its owner;

“issue” includes the issue of a licence by way of renewal;

“Kennel Club” means the club established for the registration of pedigree dogs in Great Britain and Northern Ireland;

“livestock” includes cattle, horses, asses, mules, hinnies, sheep, goats, pigs, poultry, deer in enclosed land where deer are usually kept, and, while in captivity, pheasants, partridges, grouse and quails;

“officer” means an officer of a district council authorised in writing by the council;

“poultry” means domestic fowls, turkeys, geese, ducks, guinea-fowls, pigeons and peacocks;

“prescribed” means prescribed by regulations;

[^{F2}“public place” means any road or other place (whether or not enclosed) to which the public have or are permitted to have access whether for payment or otherwise and includes the common parts of a building containing two or more separate dwellings;]

“regulations” means regulations made by the Department subject to negative resolution;

“road” has the same meaning as in the Road Traffic (Northern Ireland) Order 1981;

“under control”, in relation to a dog, means restrained by a chain or other sufficient leash held by a person exercising proper control over the dog;

“unsterilised” means not rendered permanently incapable of breeding by surgical methods;

“veterinary surgeon” has the meaning assigned to it by the Veterinary Surgeons Act 1966 and includes a veterinary practitioner within the meaning of that Act;

“worrying livestock” means—

- (a) attacking or killing livestock; or
- (b) chasing livestock in such a way as may reasonably be expected to cause the death of, or injury or suffering to, the livestock or to result in financial loss to the owner of the livestock.

[^{F3}(2A) An officer may, by an authorisation, delegate to another person such of his functions under this Order as are specified in the authorisation, but he shall remain responsible for securing that the functions are properly discharged.]

(3) Subject to paragraphs (4) to (6), a person is the keeper of a dog if—

- (a) he owns the dog or has it in his possession; or

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- (b) he is the head of a household of which a member under the age of 16 owns the dog or has it in his possession;

and if at any time a dog ceases to be owned by or to be in the possession of a person, any person who immediately before that time was the keeper of the dog by virtue of the preceding provisions of this paragraph continues to be the keeper of the dog until another person becomes the keeper of the dog by virtue of those provisions.

(4) A veterinary surgeon in the conduct of his practice or the owner of boarding kennels in the conduct of the business of the kennels is not the keeper of a dog by virtue of his possession of it.

(5) Where a dog is taken into and kept in possession for the purpose of preventing it from causing damage or of restoring it to its owner, a person is not the keeper of it by virtue only of that possession.

(6) A person shall not be treated as the keeper of a dog by virtue of his possession of it if he proves that his possession of it is transitory and that some other person has habitual possession of it.

(7) The occupier of any land where any dog is found shall be deemed to be the person who keeps that dog unless he proves—

- (a) that he is not the keeper of the dog; and
- (b) that the dog was permitted to remain on the land without his knowledge.

F2 1991 NI 21
F3 1996 NI 11

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^{F4} Article 33A or] section 27 of the Welfare of Animals Act (Northern Ireland) 1972;
 - (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.

F4 1991 NI 21

Exemptions

5. A dog licence shall not be required in respect of—

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- (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;
- (b) a dog kept and used wholly or mainly by a blind person for his guidance;
- (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.

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.

Fees for dog licences

7.—(1) Subject to paragraph (5), on the issue of a dog licence there shall be paid by the person to whom the licence is issued the sum of £5.

(2) The Department may by order, subject to affirmative resolution,—

(a) 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, alter the sum specified in paragraph (1); or

(b) increase the sum specified in that paragraph in respect of unsterilised dogs.

(3) The Department may, by order, exempt from the provisions of paragraph (1) such persons as may be specified in the order in such circumstance as may be so specified.

(4) Where a dog licence has been issued under Article 6(1) and within 30 days from the date of the issue of the licence—

(a) the holder of the licence does not take possession of a dog; or

(b) the holder takes possession of a dog but within that period 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 under paragraph (1) on the issue of the licence.

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(5) On a person making application to the district council for the district in which he resides stating—

- (a) that he has attained the age of 65; and
- (b) that he lives alone; and
- (c) that the dog licence is for a dog normally kept in his possession;

the council shall abate by one-half the sum which would otherwise be payable under paragraph (1) on the issue of the licence.

(6) Not more than one abatement shall be made under paragraph (5) in respect of an applicant in any period of 12 months.

(7) An application for a refund under paragraph (4) or an abatement under paragraph (5) shall be in such form as the Department may prescribe.

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 any of which is used for breeding purposes; 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 £12.50 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, subject to affirmative resolution.

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

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.

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(2) A person who is disqualified for keeping a dog under^{F5} Article 33A or] section 27 of the Welfare of Animals Act (Northern Ireland) 1972 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 Part III of the Welfare of Animals Act (Northern Ireland) 1972; 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.

F5 1991 NI 21

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.

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Breeding establishments

Prohibition on breeding establishments

12.—(1) A person shall not keep a breeding establishment unless he is registered in accordance with Article 13 in respect of the establishment.

(2) 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.

Modifications etc. (not altering text)

C1 Art. 12 power to repeal conferred (11.7.2011) by [Welfare of Animals Act \(Northern Ireland\) 2011](#) (c. 16), **ss. 12(8)**, 59 (with **ss. 1(2)**, 52(1), 53, 54); **S.R. 2011/245**, **art. 2**, Sch. 1

Registration in respect of breeding establishments

13.—(1) An application for registration shall be made to the district council for the district in which the breeding establishment named in the application is situated.

(2) A person who is disqualified for keeping a dog under^{F6} Article 33A or] section 27 of the Welfare of Animals Act (Northern Ireland) 1972 shall not be registered in respect of a breeding establishment.

(3) The district council shall register an applicant in respect of the breeding establishment 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 Part III of the Welfare of Animals Act (Northern Ireland) 1972; or
- (b) the establishment named in an application for registration or in respect of which a person is registered does 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 breeding establishment.

(6) Regulations may—

- (a) make provisions as to the construction, and operation, of breeding establishments;
- (b) make provision as to the information to be supplied on any application for registration under this Article

(7) Article 11 shall apply to the refusal, or cancellation, of registration in respect of breeding establishments under paragraph (5) as it applies to the refusal, or cancellation, of registration in respect of guard dog kennels under Article 10(5).

F6 [1991 NI 21](#)

Supplementary provisions

Display of registration certificate

14. A certificate of registration issued in respect of guard dog kennels or a breeding establishment shall be kept affixed in a conspicuous place in the kennels or, as the case may be, the establishment,

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and, if default is made in complying with this Article, the person keeping the kennels or, as the case may be, the establishment shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

Registers of licences, guard dog kennels and breeding establishments

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,
- (b) guard dog kennels, and
- (c) breeding establishments,

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,—

- (a) without payment, by—
 - (i) any officer; or
 - (ii) any officer of the Department; or
 - (iii) any member of the Royal Ulster Constabulary; for official purposes; or
- (b) on payment of £0.25 or such other sum as may be prescribed with the approval of the Department of Finance and Personnel, by any other person.

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, guard dog kennels or breeding establishments, 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.

PART III CONTROL OF DOGS

Penalty for keeping dog without a licence

17.—(1) Any person who—

- (a) where he is not the holder of a dog licence, keeps a dog; or
- (b) where he is the holder of a dog licence, keeps a dog of a description not authorised by the licence;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

(2) A person shall not be guilty of an offence under paragraph (1)(a) where he is the holder of a block licence which is valid in relation to the dog in question.

Penalty for applying for or obtaining a licence or registration while disqualified

18.—(1) Any person who applies for or obtains—

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- (a) a dog licence or a block licence while disqualified for obtaining or holding such a licence by Article 4(2) or by virtue of Article 8(5); or
- (b) registration in respect of guard dog kennels or a breeding establishment while disqualified for keeping a dog under^{F7} Article 33A or] section 27 of the Welfare of Animals Act (Northern Ireland) 1972;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200 or to imprisonment for a term not exceeding 1 month or to both.

(2) A person under the age of 16 shall not be guilty of an offence under paragraph (1)(a) where he obtains a dog licence on behalf of the head of the household of which he is a member.

F7 1991 NI 21

Penalty for obtaining dog before a licence is issued

19. Any person who takes possession of a dog in respect of which a dog licence is required by this Order before a licence has been issued shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

Restriction on giving or selling dogs

20.—(1) A person who gives or sells to another person a dog in respect of which a dog licence is required by this Order shall not part with the possession of the dog unless that other person has produced a dog licence in respect of that dog or a block licence which is valid in relation to the dog in question.

(2) Any person acting in contravention of paragraph (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

Production of licences

21.—(1) An officer may require the production for examination of a dog licence or a block licence.

(2) If any person fails to produce a dog licence or a block licence immediately when asked for it or alternatively, to bring it in person within seven days after the production of the licence was so required to such police station or district council office as that person shall have specified at the time its production was required, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

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—

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- (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.

(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;

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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^[F8] 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).

F8 1991 NI 11

^[F9]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;

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- (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.
- (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.]

F9 1991 NI 21

[^{F10}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.]

F10 1991 NI 21

[^{F11}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;

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- (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.]

F11 1991 NI 21

Guard dogs

Notice of guard dogs

26.—(1) A person shall not use or permit the use of a guard dog at any place unless a notice containing a warning that a guard dog is present is clearly exhibited at each entrance to that place.

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

Control of guard dogs

27. The Department may by order—

- (a) prohibit the use of a guard dog at any place unless a person who is capable of controlling the dog is present at that place;
- (b) make provision as to the control to be exercised over a guard dog while it is being used as a guard dog.

Attacks by dogs

Setting on or urging dog to attack

28.—(1) Any person who—

- (a) sets any dog on any person or livestock, or

(b) urges any dog to attack any person or to worry livestock, in any^{F12} public place] shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

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

(a) for police purposes;

(b) for such other purposes as the Department may, by order, specify.

F12 1991 NI 21

Attacking of persons or worrying of livestock

29.—(1) Subject to the provisions of this Article, if a dog^{F13} . . . worries livestock 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.

^{F13}(1A) Subject to the provisions of this Article, if a dog attacks any person 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, or, if the attack takes place in a public place or any other place where the dog is not permitted to be and the dog injures the person attacked, an aggravated offence, under this paragraph.

(1B) A person guilty of an offence under paragraph (1A) other than an aggravated offence 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; and a person guilty of an aggravated offence under that paragraph shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.]

(2) ^{F13}Paragraphs (1) and (1A)] shall not apply to a dog while being used—

(a) for police purposes;

(b) for such other purposes as the Department may, by order, specify.

(3) Except where a person causes a dog to attack some other person or to worry livestock, he shall not be guilty of an offence under this Article by reason of anything done by the dog if at the material time that other person or the livestock are trespassing on land occupied by that person and the dog is kept by, or in the charge of, the occupier of that land or in the charge of a person authorised by him to remove that other person or the livestock from that land.

(4) 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 attacked the person or worried the livestock it was in the charge of some other person whom he reasonably believed to be a fit a proper person to be in charge of the dog.

F13 1991 NI 21

Defences to legal proceedings for shooting dogs

30.—(1) Subject to the provisions of this Article, it shall be a defence to an action against a person to recover damages in respect of, and to any charge arising out of, the shooting of a dog for that person to prove—

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- (a) that the dog was worrying or was about to worry livestock and there were no other reasonable means of ending or preventing the worrying; or
 - (b) that the dog had been worrying livestock, had not left the vicinity and was not in the charge of any person and there were no practicable means of ascertaining to whom the dog belonged.
- (2) Paragraph (1)(a) or (b) shall be deemed to have been satisfied if that person believed that it was satisfied and had reasonable ground for that belief.
- (3) Paragraph (1) shall not confer a defence on any person unless he proves that—
- (a) the land on which the livestock was was occupied by him or by any person under whose express or implied authority he was acting or was land (including a highway or public path) contiguous to any such land; and
 - (b) within 48 hours of the shooting of the dog notice of it was given to a member of the Royal Ulster Constabulary at the nearest police station to the place where it occurred.

VALID FROM 03/10/2011

F¹⁴Control conditions on dog licences

F14 Arts. 30A-30F and preceding cross-heading inserted (3.10.2011) by [Dogs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 9\)](#), **ss. 8**, 18(1); S.R. 2011/332, **art. 2**, Sch.

Grounds for imposition of control conditions

30A.—(1) This Article applies where an officer has reasonable cause to believe that an offence has been committed in respect of a dog under—

- (a) Article 22(1) (dog straying);
- (b) Article 25(3) (control of dogs on certain roads or lands);
- (c) Article 28(1) or (2) (dog attacking livestock or certain other animals); or
- (d) Article 29(1) or (2) (dog attacking person).

(2) The officer may serve on the keeper of the dog a notice in writing imposing one or more of the conditions specified in Article 30B (“control conditions”) on any dog licence held by that person in respect of that dog.

(3) It is immaterial for the purposes of paragraph (2) whether the dog licence was in force at the time the offence mentioned in paragraph (1) was committed.

(4) A notice under this Article must inform the keeper of the dog—

- (a) of the grounds on which the notice is being served;
- (b) of the right to appeal under Article 30C and the time within which such an appeal must be brought;
- (c) of the right to apply under Article 30D for a review of the conditions imposed by the notice and the effect of paragraph (2) of that Article;
- (d) of the effect of Articles 30E and 30F.

(5) The service of a notice under this Article in respect of any offence mentioned in paragraph (1) does not affect—

- (a) the liability of any person to be convicted of that offence; or

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(b) any power of an officer to give a notice under Article 36 in respect of that offence.

(6) A notice under this Article takes effect on the date of service of the notice.

(7) Subject to Articles 30C and 30D, at any time after a notice served on the keeper of a dog takes effect, any dog licence held by the keeper in respect of the dog has effect subject to the control conditions specified in the notice.

(8) In its application to the service of notices under this Article, section 24 of the Interpretation Act (Northern Ireland) 1954 has effect with the omission of the word “registering” in subsection (1).

Control conditions

30B.—(1) The control conditions which may be imposed on a dog licence by a notice under Article 30A are—

- (a) that the dog be securely fitted with a muzzle sufficient to prevent the dog biting any person when in a public place;
- (b) that the dog be kept under control when in a public place;
- (c) that the dog (when not under control) be kept securely confined in a building, yard or other enclosure;
- (d) that the dog be excluded from any place, or any type of place, specified in the notice;
- (e) that the dog (if male) be neutered before the end of the period of 30 days from the date on which the notice takes effect;
- (f) that the keeper, with the dog, attend and complete a specified course of training in the control of dogs before the end of the period of 6 months from the date on which the notice takes effect.

(2) In paragraph (1)(f) “specified” means specified, or of a description specified, in the notice under Article 30A.

Appeal against imposition of control conditions

30C.—(1) A person aggrieved by a notice served on him under Article 30A may, by notice under Part 7 of the Magistrates' Courts (Northern Ireland) Order 1981, appeal to a court of summary jurisdiction.

(2) An appeal under this Article must be brought within the period of 30 days beginning with the day on which the notice was served.

(3) On an appeal under this Article, the court may—

- (a) cancel the notice;
- (b) confirm the notice without modification; or
- (c) confirm the notice with such modifications of the control conditions specified in the notice as the court thinks fit.

(4) The power to modify control conditions on an appeal includes power to remove or amend the conditions or to substitute new conditions for existing conditions.

(5) The decision of the court on an appeal under this Article is final.

(6) Where an appeal is brought under this Article against a notice—

- (a) any control condition imposed by the notice by virtue of Article 30B(1)(e) or (f) has effect as if for the reference to the date on which the notice takes effect there were substituted reference to the date on which the appeal is determined or abandoned; and

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- (b) the court may on the application of the appellant suspend the effect of any other control condition imposed by the notice pending a decision on the appeal.

Review of control conditions

30D.—(1) At any time after a notice under Article 30A has taken effect in relation to a dog licence, the holder of the licence may apply to the council for the district in which he resides to review the control conditions imposed by the notice.

- (2) But no application may be made under this Article in the period of—
- (a) 6 months from the date on which the notice takes effect; or
 - (b) 12 months from the date on which the decision on an earlier review under this Article was notified to the licence holder in accordance with paragraph (3).
- (3) On a review under this Article the council may—
- (a) cancel the notice;
 - (b) confirm the notice without modification; or
 - (c) confirm the notice with such modifications of the control conditions specified in the notice as the council thinks fit;

and shall notify the licence holder in writing of its decision.

(4) The power to modify control conditions on a review includes power to remove or amend the conditions or to substitute new conditions for existing conditions; but any modification made to control conditions must be such that (taken as a whole) the conditions are not more onerous after the review than before it.

(5) A person aggrieved by the decision of the council on a review under this Article may, by notice under Part 7 of the Magistrates' Courts (Northern Ireland) Order 1981, appeal to a court of summary jurisdiction.

(6) An appeal under this Article must be brought within the period of 30 days beginning with the day on which notice of the decision was served in accordance with paragraph (3).

- (7) On an appeal under this Article, the court may—
- (a) confirm the decision of the council;
 - (b) cancel the notice; or
 - (c) make any modification to the control conditions specified in the notice which the council could have made on the review.

(8) The decision of the court on an appeal under this Article is final.

(9) If a control condition imposed by virtue of section 30B(1)(e) or (f) is complied with to the satisfaction of the council, the council shall—

- (a) remove the condition from the notice served under Article 30A; or
- (b) (if there are no other control conditions imposed by the notice) cancel the notice,

and shall notify the license holder in writing of that fact.

Transfer of dogs subject to control conditions

30E.—(1) This Article applies where the keeper of a dog (“the old keeper”) gives or sells to another person (“the new keeper”) a dog kept under a dog licence which is subject to control conditions.

(2) The old keeper must not part with possession of the dog unless he has served on the council for the district in which he resides notice—

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- (a) of the intended transfer of ownership of the dog; and
 - (b) of the name and address of the new keeper.
- (3) A person who fails to comply with paragraph (2) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) A council which receives a notice under this Article shall—
- (a) inform the new keeper of the control conditions imposed on the licence under which the dog was kept by the old keeper and the grounds on which those conditions were imposed; and
 - (b) give such advice to the new keeper in relation to the control of the dog as the council thinks appropriate.
- (5) If the new keeper resides in the district of another council, the council must also inform that other council of the matters mentioned in paragraph (4)(a).

Contravention of control condition

30F.—(1) If any control condition of a dog licence is contravened, the keeper of the dog is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) It is a defence for a person charged with an offence under this Article to show that he had taken all reasonable steps to prevent contravention of the control condition.]

Miscellaneous

Regulation with respect to dogs

31.—(1) Regulations may—

- (a) prescribe and regulate the muzzling of dogs and the keeping of dogs under control;
- (b) prescribe and regulate the wearing by dogs of a collar with the name and address of the keeper of the dog inscribed on the collar on a plate or badge attached to the collar;
- (c) in addition to sub-paragraph (b), prescribe and regulate other means of the identification of dogs;
- (d) prescribe and regulate the wearing by dogs of discs or other means of licence identification attached to the collar;
- (e) make provision for the issue of such licence identification by district councils.

(2) Any person contravening any provision of regulations made under this Article shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

Art. 32 rep. by SR 2003/495

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PART IV

DESTRUCTION OF DOGS, SUSPENSION OF LICENCES AND OTHER PROVISIONS

Destruction of dogs

Power of court to order destruction of dogs

33.—^[F15](1) Where it appears to a court that a dog has attacked any person or has worried livestock, the court shall unless, having taken account of all the circumstances, it appears to the court that exceptional mitigating factors exist—

- (a) make an order directing the dog to be destroyed; or
- (b) make an order directing the dog to be destroyed unless such measures as are specified in the order are taken to prevent the dog being a danger to the public or to livestock.

(1ZA) An order under paragraph (1)(b) may include provision requiring the dog to be—

- (a) securely fitted with a muzzle sufficient to prevent the dog biting any person;
- (b) kept confined in a building, shed, yard or other enclosure from which it cannot escape;
- (c) excluded from places specified in the order;
- (d) neutered (if it appears to the court that the dog is a male).

(1ZB) If the Department thinks it desirable to do so, it may by order prescribe the kind of muzzle to be used for the purpose of complying, in the case of a dog of any type, with an order under paragraph (1)(b); and if a muzzle of a particular kind is for the time being prescribed in relation to any type of dog, the reference in paragraph (1ZA) to a muzzle shall, in relation to any dog of that type, be construed as a reference to a muzzle of that kind.]

^[F15](1A) Where a person is convicted of an offence under Article 25A or of an offence under an order under Article 25B, the court may make an order directing the dog in respect of which the offence was committed to be destroyed and shall do so unless the court is satisfied that the dog will not be a danger to the public.]

(3) Paragraph (1) shall not apply to a dog which has attacked any person while it was being used—

- (a) as a guard dog, or otherwise for guarding persons or property; or
- (b) for police purposes; or
- (c) for such other purposes as the Department may, by order, specify.

(4) For the purpose of proceedings under this Article any transfer of ownership of the dog after the date of any event giving rise to the complaint shall not prejudice or affect the power of the court to make an order under this Article and such an order may be directed against any owner for the time being of the dog or, where the keeper of the dog is a person other than its owner, against the keeper.

(5) An order made under this Article shall be served on such persons as the court may direct.

(6) For the purposes of—

- (a) Articles 60 (appeals) and 61 and 62 (cases stated) of the County Courts (Northern Ireland) Order 1980;
- (b) Articles 143 (appeals) and 146 (cases stated) of the Magistrates' Court (Northern Ireland) Order 1981;

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where the court makes an order under this Article directed against the owner of a dog to be destroyed and the owner of the dog by virtue of^{F15} paragraph (1) or (1A)], that owner shall be deemed to be a party to the proceedings.

- ^{F15}(7) Where the court makes an order under this Article directing a dog to be destroyed and—
- (a) the owner appeals; or
 - (b) in the case of an order under paragraph (1A), the convicted person appeals against his conviction,

until the appeal is determined or abandoned that order shall have effect as if it were an order under paragraph (1)(b) which included provision such as is mentioned in paragraph (1ZA)(b).]

- (8) In this Article “injury” includes injury resulting in death.

F15 2001 c. 1 (NI)

^{F16}Disqualification for keeping a dog]

F16 1991 NI 21

Disqualification orders

33A.—(1) Where a person is convicted of an offence under Article 25A or 29(1A) or of an offence under an order under Article 25B the court may, in addition to any other penalty which may be imposed, order that person to be disqualified, for such period as the court thinks fit, for keeping a dog.

(2) Subject to paragraph (3), any person disqualified by virtue of an order under this Article may at any time after the expiration of 12 months from the date of the order apply to the court by which the order was made to remove the disqualification, and on any such application the court may, having regard to the character of the applicant, his conduct subsequent to the order, the nature of the offence of which he was convicted and any other circumstances—

- (a) direct that, as from such date as may be specified in the direction, the disqualification be removed; or
- (b) refuse the application.

(3) Where the court refuses the application, a further application may not be made until the expiration of 12 months from the date of the refusal.

(4) Any person who keeps a dog in contravention of an order made under this Article shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Suspension of licences

Suspension of licences

34.—(1) Where the holder of a dog licence or a block licence is convicted of any offence under Part III of the Welfare of Animals Act (Northern Ireland) 1972 in relation to a dog the court by which he is convicted in addition to any other penalty which may be imposed may suspend that licence for such period as the court thinks fit.

- (2) A suspended licence shall not be in force during the period of suspension.

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(3) Where a dog licence or a block licence is suspended, the court may make such order as it thinks fit for the disposal or destruction of any dog or dogs kept by the holder of the licence.

(4) A court which suspends a dog licence or a block licence shall order the holder of the licence to deliver it to the clerk of the court within a period specified in the order; and if he contravenes the order he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 3 months or to both.

(5) The clerk of the court to whom a dog licence or a block licence is delivered under paragraph (4) shall send the licence to the district council by which the licence was issued.

Punishment without prosecution of certain offences

Offences to which Articles 36 to 39 apply

35.—(1) Articles 36 to 39 shall apply to an offence under—

- (a) Article 17(1) (keeping dog without a licence);
- (b) Article 22(1) (penalty for dog straying);
- (c) Article 25(3) (control of dogs on certain roads and on land);
- (d) Article 31(2), being an offence committed by failing to display the keeper's name and address or any other identification in contravention of regulations made under paragraph (1)(b) or (c) of that Article or to display a disc or other licence identification in contravention of regulations made under paragraph (1)(d) of that Article;
- (e) sections 1 and 2 of the Control of Greyhounds, etc., Act (Northern Ireland) 1950 (greyhounds not to be in a public place unless controlled and muzzled and no more than 2 greyhounds to be exercised or led in a public place);

Sub#para.(f) rep. by 1994 NI 10

(2) The Department may by order, subject to affirmative resolution, specify other offences under this Order to which Articles 36 to 39 shall apply.

Procedure

36.—(1) Where an officer finds a person on any occasion and has reason to believe that on that occasion he is committing or has committed an offence to which this Article and Articles 37 to 39 apply he may give that person a notice in writing offering the opportunity of the discharge of any liability to conviction of that offence by payment of a fixed penalty under Article 37.

(2) A person to whom a notice is given under this Article in respect of an offence shall not be liable to be convicted of that offence if the fixed penalty is paid in accordance with Article 37 before the expiration of 14 days following the date of the notice or such longer period, if any, as may be specified in the notice.

(3) Where a person is given a notice under this Article in respect of an offence proceedings shall not be taken against any person for that offence until the end of the 14 days following the date of the notice or such longer period, if any, as may have been specified in the notice.

(4) A notice under this Article shall be in such form as may be prescribed and shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state—

- (a) the period during which, by virtue of paragraph (3), proceedings will not be taken for the offence;
- (b) the amount of the fixed penalty; and
- (c) the person to whom and the address at which the fixed penalty may be paid.

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(5) In this Article “proceedings” means any criminal proceedings in respect of the act constituting the offence specified in the notice under this Article, and “convicted” shall be construed in like manner.

Payment of fixed penalty

37.—(1) Payment of a fixed penalty shall be made to or at the office of the clerk of petty sessions specified in the notice served under Article 36 or to such other person or to or at such other office as the Department may, by order, direct.

(2) Sums paid by way of a fixed penalty for any offence to which Articles 36 to 39 apply shall be treated as if they were fines imposed on summary conviction for that offence.

(3) In any proceedings a certificate that payment of a fixed penalty was or was not made by a date specified in the certificate to or at the office of the appropriate clerk of petty sessions or to such other person or to or at such other office as the Department may, by an order made under paragraph (1), direct shall, if the certificate purports to be signed by the clerk of petty sessions or such other person as the Department may, by an order made under paragraph (1), direct, be sufficient evidence of the facts stated unless the contrary is proved.

(4) Regulations may prescribe—

- (a) the duties under Articles 36 to 39 of persons of offices specified by an order made under paragraph (1); and
- (b) the information to be supplied to clerks of petty sessions and to such other persons or offices.

VALID FROM 03/10/2011

[^{F17}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.]

F17 Art. 37A inserted (3.10.2011) by [Dogs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 9\)](#), ss. 13, 18(1); S.R. 2011/332, art. 2, Sch.

Amount of fixed penalty

38.—(1) The fixed penalty for an offence to which Articles 36 to 39 apply shall, subject to paragraph (2), be—

- (a) in the case of an offence mentioned in Article 35(1)(a),—
 - (i) 3 times the amount of the sum payable under Article 7(1) on the issue of a licence; or
 - (ii) £25;whichever is the greater; or
- (b) in the case of any offence mentioned in Article 35(1)(b) to (f), £10 or one-half of the maximum amount of the fine to which a person is liable on summary conviction of the offence, whichever is the lesser.

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(2) The Department may by order, subject to affirmative resolution, provide for the fixed penalty to be in any case more or less than £25 or, as the case may be, £10 (but not more than one-half of the maximum amount of the fine to which a person is liable on summary conviction of the offence).

References in proceedings to notices and fixed penalties under Articles 36 to 38

39. In any proceedings for an offence to which Articles 36 to 38 apply, no reference shall be made to the giving of any notice under those Articles, or to the payment or non-payment of a fixed penalty under those Articles unless in the course of the proceedings or in some document which is before the court in connection with the proceedings reference has been made by or on behalf of the accused to the giving of such a notice or, as the case may be, to such a payment or non-payment.

PART V

ENFORCEMENT

Enforcement by district councils

40. Every district council shall within its district enforce the provisions of this Order and for that purpose a council shall—

- (a) establish and maintain dog pounds or make arrangements with any person who keeps kennels which are approved by the Department, for the use of the kennels by the council on such terms and conditions as may be agreed;
- (b) appoint such number of officers as the council considers necessary to exercise the powers conferred on officers under this Order.

Powers of officers

41.—(1) Without prejudice to any other powers under this Order, an officer may, on production, if required, of his credentials,—

- (a) where he has reasonable ground to believe that an offence under this Order is being committed, request the name and address of any person who, in his opinion, has charge or appear to have charge of any dog;
- (b) seize any dog and detain it for physical examination by himself or by a veterinary surgeon where the officer considers examination by a veterinary surgeon to be necessary.

(2) Paragraph (6) of Article 23 shall apply to the seizure or detention of a dog under paragraph (1) (b) as it applies to the seizure or detention of a dog under that Article.

Entry onto land for certain purposes

42.—(1) For the purpose of—

- (a) preventing any dog attacking any person or ending any such attack; or
- (b) preventing or ending the worrying of livestock;

an officer may, on production, if required, of his credentials, enter any land.

(2) A power of entry under paragraph (1) shall not be exercisable in respect of a dwelling-house or its curtilage.

(3) The district council on whose behalf the officer was acting shall make good or pay compensation for any damage caused by the officer in entering the land; and any question of disputed compensation shall be referred to and determined by the Lands Tribunal.

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Inspection of certain kennels and breeding establishments

43.—(1) An officer may inspect (subject to compliance with such precautions as the council may specify to prevent the spread among animals of infectious or contagious disease)—

- (a) any guard dog kennels in respect of which a person is registered under Article 10, or
- (b) any breeding establishment in respect of which a person is registered under Article 13, or
- (c) any other premises which the council has reasonable grounds to believe are being used in its district as guard dog kennels or for the purpose of dog breeding,

and any officer may, on production, if required, of his credentials, at any reasonable time—

- (i) enter such kennels, establishment or other premises; and
- (ii) inspect them and any animal or any thing found on them, for the purpose of ascertaining whether an offence has been or is being committed under this Order.

(2) A power of entry under paragraph (1) shall not be exercisable in respect of any premises except—

- (a) with consent given by or on behalf of the occupier of the premises; or
- (b) under the authority of a warrant granted under this Article.

(3) Where a resident magistrate is satisfied by complaint on oath—

- (a) that admission to premises is reasonably required for the purpose specified in the complaint, and
- (b) that an officer would, apart from paragraph (2), be entitled for that purpose to exercise a power of entry under paragraph (1),

he may issue a warrant under his hand authorising an officer to enter the premises.

(4) A warrant granted under this Article shall not continue in force for more than 7 days from the date of the warrant.

(5) An officer exercising his power of entry or inspection under this Article may take a veterinary surgeon with him.

Penalty for assaulting officers, etc.

44. Any person who assaults an officer in exercising his power of entry under Article 42(1) or his power of entry or inspection under Article 43(1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200 or to imprisonment for a term not exceeding 1 month or to both.

Obstruction of officers, etc.

45. Any person who—

- (a) on being asked by an officer for his name and address under Article 41 (1)(a), does not give them; or
- (b) obstructs or delays an officer in exercising his power of entry under Article 42(1) or his power of entry or inspection under Article 43(1);

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

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PART VI

MISCELLANEOUS PROVISIONS

Power to extend provisions relating to breeding establishments to other establishments

46. The Department may, by order subject to affirmative resolution, extend the provisions of Articles 12 to 16 and 43 to such other establishments as may be specified in the order.

Records

47. The Department may, by order, require any person who keeps—

- (a) guard dog kennels;
- (b) a breeding establishment;
- (c) a petshop within the meaning of section 12(1) of the Welfare of Animals Act (Northern Ireland) 1972; or
- (d) any establishment to which an order under Article 46 applies;

to keep such records of births, deaths, acquisitions and disposals of dogs as may be specified in the order and to permit an officer to inspect, to remove for further inspection, and to copy information from, such records.

Power to collect, and dispose of, unwanted dogs

48.—(1) A district council may, at the request of the owner of an unwanted dog or his personal representative, arrange for the collection, and disposal, of that dog.

(2) No dog disposed of under this Article shall be given or sold for purposes of animal experimentation.

Grants to district councils

49.—(1) The Department may make grants in respect of the initial expenditure incurred under this Order by district councils for the purpose of Article 40(a).

(2) Any grant under paragraph (1) shall be payable on such conditions and in respect of such period as may be prescribed.

Fees for certain services

50. A district council may—

- (a) make a charge where the council makes arrangements for the collection and disposal of an unwanted dog; and
- (b) make a payment of such amount as the council may determine in respect of the sterilisation of a dog.

Expenses of veterinary examination recoverable from dog owner

51. Where a veterinary surgeon examines a dog under Article 41(1)(b), and the owner of the dog is subsequently convicted of an offence under this Order, the amount of the expenses incurred by the district council in that examination shall be a debt recoverable summarily by the council from the owner of the dog.

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Information to Department

52. Each district council shall furnish to the Department, at such times and in such manner as the Department may direct, such information relating to the operation of this Order as the Department may require.

Civil liability

53.—(1) Without prejudice to any right of action which exists apart from the provisions of this Order, breach of a duty imposed under Articles 22, 25, 26, 28 and 29 shall, so far as it causes damage, be actionable.

(2) In this Article “damage” includes the death of, or injury to, any person (including any disease and any impairment of a person's physical or mental condition).

Orders

54. Except as provided in Articles 7(2), 8(4), 23(7)(b), 25(4),^[F18 25B(1)] 35(2), 38(2) and 46, orders made by the Department under this Order shall be subject to negative resolution.

F18 1991 NI 21

Transitional provisions

55.—(1) Any existing licence in force immediately before the appointed day shall on and after that day be deemed to be a dog licence issued by the district council for the district in which the holder of the licence resides and shall remain in force, unless suspended, until the 31st March next following that day.

(2) On or after the appointed day, the authority conferred by an existing licence to keep a dog shall be authority to keep a dog of the particular description of the dog to which the licence relates.

(3) In this Article—

“appointed day” means the day appointed under Article 1(2) for the coming into operation of this Article;

“existing licence” means a licence taken out under section 6 of the Dogs Regulation (Ireland) Act 1865.

(4) Nothing in this Article shall prejudice the operation of section 29 of the Interpretation Act (Northern Ireland) 1954.

Amendments and repeals

56.—(1) The statutory provisions specified in Schedule 1 shall have effect subject to the amendments specified in that Schedule.

(2) The statutory provisions specified in Schedule 2 are hereby repealed to the extent specified in column 3 of that Schedule.

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Schedule 1 — Amendments

Schedule 2 — Repeals

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