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STATUTORY INSTRUMENTS

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**1983 No. 764**

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

**PART II**

**LICENCES AND REGISTRATION**

*Licences*

**Prohibition on keeping dog without a licence**

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

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

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

**F1** 1991 NI 21

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

**Exemptions**

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

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

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

### Issue of dog licences

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

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

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

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

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

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

[<sup>F4</sup>(10) A district council shall not—

(a) issue a dog licence in respect of a dog to which Article 25A applies, or

(b) issue a transfer certificate in respect of such a dog,

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

**F4** Art. 6(10) inserted (28.7.2011) by Dogs (Amendment) Act (Northern Ireland) 2011 (c. 9), ss. 3(2), 18(1); S.R. 2011/281, art. 2, Sch.

### Fees for dog licences

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.

(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<sup>F5</sup>. . . .

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

**F5** Words in art. 8(4) repealed (28.7.2011) by Dogs (Amendment) Act (Northern Ireland) 2011 (c. 9), ss. 17(2), 18(1), Sch. 2; S.R. 2011/281, art. 2, Sch.

### *Guard dog kennels*

#### Prohibition on guard dog kennels

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

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

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

### **Registration in respect of guard dog kennels**

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

(2) A person who is disqualified for keeping a dog under<sup>[F6]</sup> Article 33A or<sup>[F7]</sup> section 33 of the Welfare of Animals Act (Northern Ireland) 2011] shall not be registered in respect of guard dog kennels.

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

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

(5) Where—

(a) a person is convicted of any offence under this Order or under <sup>[F8]</sup>Part 2 of the Welfare of Animals Act (Northern Ireland) 2011]; or

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

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

(6) Regulations may—

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

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

**F6** 1991 NI 21

**F7** Words in art. 10(2) substituted (11.7.2011) by *Welfare of Animals Act (Northern Ireland) 2011 (c. 16)*, ss. 57(1), 59, **Sch. 4 para. 1** (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, **art. 2**, Sch. 1

**F8** Words in art. 10(5)(a) substituted (11.7.2011) by *Welfare of Animals Act (Northern Ireland) 2011 (c. 16)*, ss. 57(1), 59, **Sch. 4 para. 2** (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, **art. 2**, Sch. 1

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

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

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

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

(4) A person aggrieved by a decision refusing or cancelling any registration may, by notice under Part VII of the Magistrates' Courts (Northern Ireland) Order 1981, appeal to a court of summary jurisdiction and the cancellation under Article 10(5) shall not take effect until the expiration of the time within which an appeal may be brought under this paragraph or, where such an appeal is brought, before the determination of the appeal.

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

### *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<sup>[F9]</sup> Article 33A or<sup>[F10]</sup> section 33 of the Welfare of Animals Act (Northern Ireland) 2011] 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 <sup>[F11]</sup>Part 2 of the Welfare of Animals Act (Northern Ireland) 2011]; 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).

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

**F9** 1991 NI 21

**F10** Words in art. 13(2) substituted (11.7.2011) by Welfare of Animals Act (Northern Ireland) 2011 (c. 16), ss. 57(1), 59, **Sch. 4 para. 1** (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, **art. 2**, Sch. 1

**F11** Words in art. 13(5)(a) substituted (11.7.2011) by Welfare of Animals Act (Northern Ireland) 2011 (c. 16), ss. 57(1), 59, **Sch. 4 para. 2** (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, **art. 2**, Sch. 1

**Modifications etc. (not altering text)**

**C2** Art. 13 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

*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, 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, [<sup>F12</sup>free of charge.]

**F12** Words in art. 15(2) substituted (28.7.2011) by Dogs (Amendment) Act (Northern Ireland) 2011 (c. 9), ss. 17(1), 18(1), **Sch. 1 para. 1**; S.R. 2011/281, **art. 2**, Sch.

**Evidence of registers**

**16.** In any proceedings under this Order a document purporting to be a copy of an entry in a register of licences, 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.

**Status:**

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**Changes to legislation:**

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