
STATUTORY INSTRUMENTS

1983 No. 764

The Dogs (Northern Ireland) Order 1983

PART IV

**DESTRUCTION OF DOGS, SUSPENSION
OF LICENCES AND OTHER PROVISIONS**

Destruction of dogs

Power of court to order destruction of dogs

33.—^[F1](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.]

^[F1](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;

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^{F1} paragraph (1) or (1A)], that owner shall be deemed to be a party to the proceedings.

- ^{F1}(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.

F1 2001 c. 1 (NI)

^{F2}Disqualification for keeping a dog]

F2 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.

(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.

(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

[^{F3}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.]

F3 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.

(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.

Status:

Point in time view as at 01/01/2006. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the The Dogs (Northern Ireland) Order 1983, PART IV.