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STATUTORY INSTRUMENTS

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**1983 No. 764**

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

**PART IV**

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

*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;
- [<sup>F1</sup>(da) Article 30E(3) (failure to notify transfer of dog subject to control conditions);
- (db) Article 30F(1) (failure to comply with control conditions of dog licence);]
- (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, <sup>F2</sup> . . . specify other offences under this Order to which Articles 36 to 39 shall apply.

**F1** Art. 35(1)(da)(db) inserted (3.10.2011) by Dogs (Amendment) Act (Northern Ireland) 2011 (c. 9), ss. 11(2), 18(1); S.R. 2011/332, art. 2, Sch.

**F2** Words in art. 35(2) repealed (28.7.2011) by Dogs (Amendment) Act (Northern Ireland) 2011 (c. 9), ss. 17(2), 18(1), Sch. 2; S.R. 2011/281, art. 2, Sch.

**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.

*Status: Point in time view as at 03/10/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Dogs (Northern Ireland) Order 1983, Cross Heading: Punishment without prosecution of certain offences. (See end of Document for details)*

(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.

### **[<sup>F3</sup>Payment of fixed penalty**

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

(2) In any proceedings a certificate which—

- (a) purports to be signed on behalf of the clerk of the council, and
- (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.

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

**F3** Art. 37 substituted (3.10.2011) by [Dogs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 9\), ss. 12, 18\(1\); S.R. 2011/332, art. 2, Sch.](#)

### **[<sup>F4</sup>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.]

**F4** 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.](#)

### **[<sup>F5</sup>Amount of fixed penalty**

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

- (a) is the amount specified by the district council; or
  - (b) if no amount is so specified, is £75.
- (2) A district council may under paragraph (1)(a) specify different amounts in relation to different offences.
- (3) A district council may make provision for treating a fixed penalty payable to that council in pursuance of a notice under Article 36 as having been paid if a lesser amount is paid before the end of a period specified by the council.
- (4) The Department may by regulations make provision in connection with the powers conferred on district councils under paragraphs (1)(a) and (3).
- (5) Regulations under paragraph (4) may (in particular)—
- (a) require an amount specified under paragraph (1)(a) to fall within a range prescribed in the regulations;
  - (b) restrict the extent to which, and in the circumstances in which, a district council can make provision under paragraph (3).
- (6) The Department may by order substitute a different amount for the amount for the time being specified in paragraph (1)(b).]

**F5** Art. 38 substituted (3.10.2011) by [Dogs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 9\), ss. 14, 18\(1\); S.R. 2011/332, art. 2, Sch.](#)

### **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 03/10/2011.

**Changes to legislation:**

There are currently no known outstanding effects for the The Dogs (Northern Ireland) Order 1983, Cross Heading: Punishment without prosecution of certain offences.